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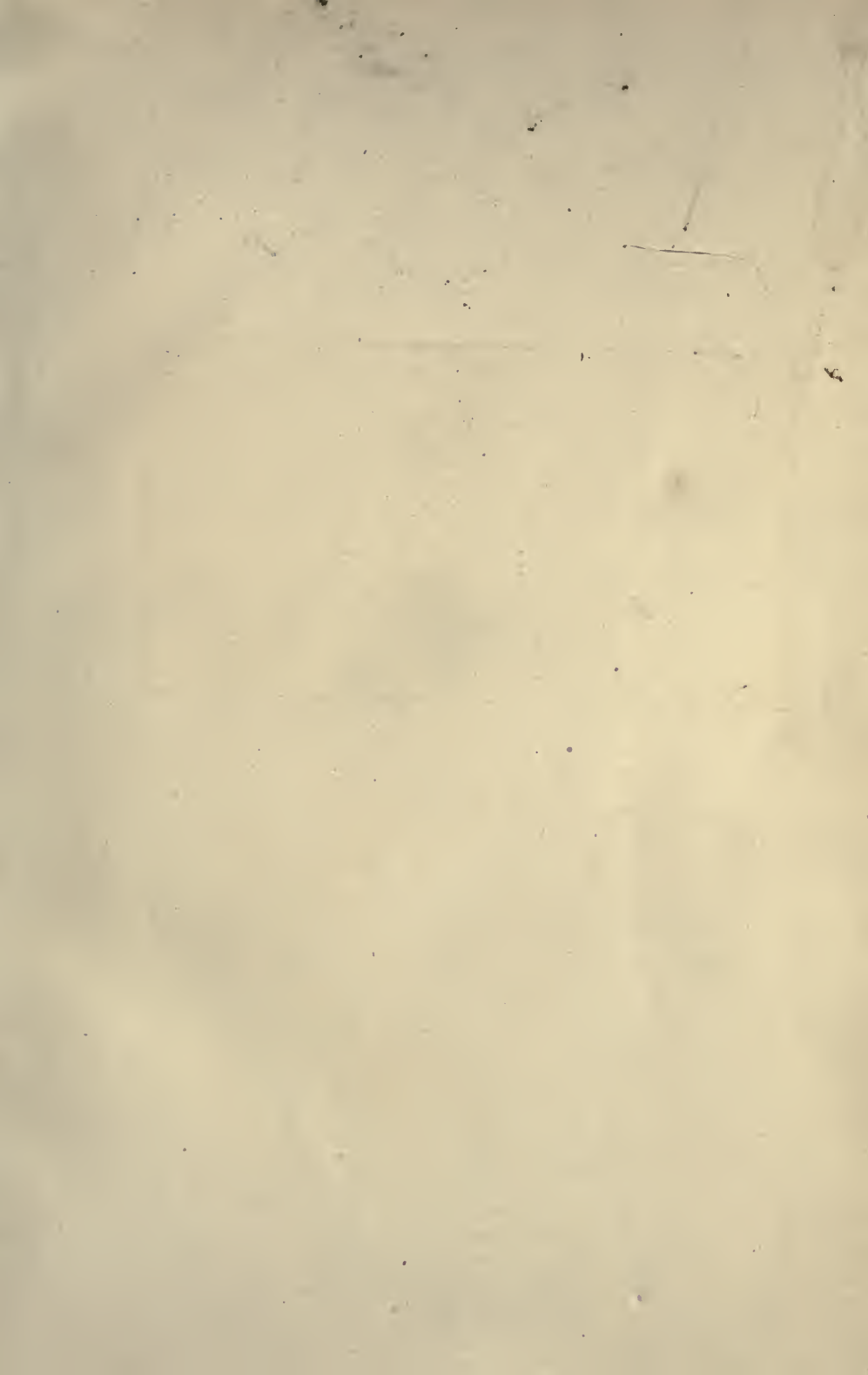
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HIGHWAY LEGISLATION  
IN MARYLAND  
AND ITS INFLUENCE ON THE  
ECONOMIC DEVELOPMENT OF THE STATE

A DISSERTATION

PRESENTED TO THE BOARD OF UNIVERSITY STUDIES  
JOHNS HOPKINS UNIVERSITY FOR THE DEGREE  
OF DOCTOR OF PHILOSOPHY



BY

ST. GEORGE LEAKIN SIOUSSAT

Some time Scholar in History at Johns Hopkins University

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BALTIMORE, MD.

1899



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# HIGHWAY LEGISLATION IN MARYLAND AND ITS INFLUENCE ON THE ECONOMIC DEVELOPMENT OF THE STATE

BY

ST. GEORGE LEAKIN SIOUSSAT



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## THE BEGINNINGS OF HIGHWAYS IN MARYLAND.

"Rivers," said the philosopher Pascal, "are roads that move, and carry us whither we wish to go." "Yes," was the comment of another, "provided we wish to go whither they carry us."

A comparison of Augustine Herrman's map of Maryland with one of the present day will make evident the applicability of Pascal's saying, and the equal applicability of its subsequent modification, to the history of the development of highways in Maryland. Nowadays, the state appears dotted from border to border with cities, towns, and villages, bound together by a network of roads, great and small, that are the channels of intercourse of an advanced and prosperous commonwealth. The Maryland of Herrman's time was a fringe of scattered settlements, strung along the bayside and along the banks of the navigable rivers, with not a trace of connecting highways.

### TRANSPORTATION BY WATER.

The main highway of early Maryland was the Chesapeake, which is, says a chronicler of that time, "a bay in most respects scarcely to be outdone by the universe, having so many large and spacious rivers branching and running on both sides . . . and each of these rivers richly supplied, and divided into sundry smaller rivers, spreading themselves out to innumerable creeks and coves, admirably carved and contrived by the omnipotent hand of our wise Creator, for the advantage and conveniency of its inhabitants, so that I have oft, with



no small admiration, compared the many rivers, creeks and rivulets of water to veins in human bodies.”<sup>1</sup>

With ready appreciation of the “advantage and conveniency” of these “roads that move,” the early Marylanders traveled from landing to landing and from shore to shore in sloops and pinnaces, imitating the customs of the native Indians, “whose buildings and habitations,” Captain John Smith had noted, were “for the most part by the rivers, or not far from some fresh spring.”<sup>2</sup>

Instead of mileage, compensation for boat-hire was allowed to the delegates to the Assembly from Kent and Anne Arundel.<sup>3</sup> Indeed, travel to any considerable distance seems to have been exclusively by water; and for the first few years after the settlement at St. Mary’s the word “road” must have had but limited significance in the colonial vocabulary.<sup>4</sup>

The earliest “roads” were mere paths from plantations to river landings, or from the settlements scattered along the rivers adjacent to the little capital at St. Mary’s. When the colonies pushed further inland, and the streams no longer carried them whither they wished to go, more extensive highways became necessary. As yet, however, the construction and repair of roads was a matter of private concern; over a quarter of a century elapsed between the settlement at St. Mary’s and the passage of the first road-law of the colony.

#### EARLY FERRIES.

In the meanwhile, the influence of the topography of the country upon the progress of the colony is evidenced by the regulations con-

<sup>1</sup> Rev. Francis Makemy. *A Plain and Friendly Persuasive*. London, 1705, p. 5. (See Fiske’s *Old Va.*, vol. ii, p. 206.)

<sup>2</sup> Pinkerton’s *Voyages*, vol. xiii, p. 35.

<sup>3</sup> Maryland Archives, vol. i, Assembly Proceedings, pp. 143 and 234.

<sup>4</sup> What is probably the earliest mention of a road in Maryland bears date March, 1643, when Father Philip Fisher, one of the Jesuit Missionaries, writes to his Provincial, or Superior, as follows: “A road by land through the forest has just been opened from Maryland to Virginia. This will make it but a two days’ journey, and both countries can be united in one mission.” [Neill, *Maryland in the Beginning*, p. 49.] This is, of course, described too indefinitely to be identified or located at the present day, but the reference is interesting as showing the early intercourse between the sister colonies.

cerning ferries. When a line of communication crossed a river or stream a ferry was often necessary and legislation upon this subject preceded that concerning highways or bridges. As early as the session of the Assembly that met at St. Mary's in 1637-8, a number of absentees were excused from the fine for non-attendance "for want of passage over St. George's [St. Mary's] River," a want that was supplied by the establishment of a ferry at the next Assembly.<sup>1</sup> As the settlements spread, other ferries were established; and in 1658 a general law was passed requiring each county to maintain at least one ferry.<sup>2</sup>

#### CONTEMPORARY HIGHWAY LEGISLATION.

When the colonial settlements had expanded to such a degree that management of the highways could no longer be left in private hands there were two sources, at least, upon which the lawmakers might draw for effective road-legislation. These were the law of the neighboring colony of Virginia and the law of England.

The first road-law of Virginia left the regulation of highways to the discretion of the Governor and Council, or the Commissioners of the Monthly Courts, or the parishioners of each parish.<sup>3</sup> This was supplemented twenty-five years later by an act giving the jurisdiction over the roads to the county courts, with the provision that "the course used in England" should be followed.<sup>4</sup> The English law was itself at this time in a primitive state. In feudal times care of the roads was included in the tenant's *trinoda necessitas*, or three-fold service: the duty of making an expedition against the enemy; the construction of fortifications; the repair of bridges (and roads). By the growth of custom the care of the highways devolved upon the respective parishes, while the repair of bridges was referred to the county at large. In early times it was not incumbent on any particular officer to call the parish together and set upon them this work; therefore, later surveyors of the highways for each parish were ordered to be chosen by the constable and church wardens of that parish.<sup>5</sup>

<sup>1</sup> Maryland Archives, Assembly Proceedings, vol. i, p. 78.

<sup>2</sup> Maryland Archives, Assembly Proceedings, vol. i, pp. 375-6.

<sup>3</sup> Hening's Statutes, vol. i, p. 199 (1632).

<sup>4</sup> Hening's Statutes, vol. i, p. 436 (1657-8).

<sup>5</sup> Blackstone's Commentaries, p. 358.

## THE FIRST ROAD-LAW OF MARYLAND.

The first road-law of Maryland was passed in 1666; it was entitled "An act for making high wayes & making the heads of Rivers, Creekes, Branches and Swamps passable for horse and foote."<sup>1</sup> This act ordered that the commissioners of each county should "upon the 20th day of October next ensuing meete together in their Respective Countyes to consult of what high wayes are fitt to be made." They were also to appoint overseers of the roads and to levy tobacco or labor to be assessed equally upon the taxables of each county. Fines were provided for the non-performance of these duties either by the overseers or by the laborers whom they summoned.

The act of 1666 continued in force, with but slight modifications, till 1696. However, the "highwaies or necessary Paths" for which it made provision were little more than tracks through the forest; and the enactors had in view the direction of travelers rather than the construction of roads. Transportation by wagons was as yet unknown. Thus the road-overseer had little to do but cut away the underbrush, fell obstructing trees, and drain the worst of the marshes so that the horse or mule laden with panniers full of tobacco would not stick fast in the low and swampy ground.

A local road-act "for amending the wayes out of Charles County into the City of St. Mary's," passed eight years after the general law of 1666, testifies to the primitive life the colonists then were leading.<sup>2</sup> The passage over the head of "Wiccocomico River" had become hardly passable since the building of the mill there, and the overflowing of the stream. The way was therefore dangerous for passengers and its condition even imperiled the security of the Province against an insurrection of the Indians "who live in great Numbers in that Country." Charles and St. Mary's counties were equally assessed for the construction of a highway "passable for horse and foote over such place of Zachiah Swampe within Two miles of the said Mill upward as shall seme most convenient" to their Justices. The road thus provided for became one of the most important in

<sup>1</sup> Maryland Archives, vol. ii. Assembly Proceedings, p. 134.

<sup>2</sup> Maryland Archives, vol. ii. \*Assembly Proceedings, p. 408 (1674).



southern Maryland; it is probably to be identified with the present road from Leonardtown through Allen's Fresh and Chaptico to Port Tobacco.

#### HARDSHIPS OF TRAVEL.

Concerning the actual state of the highways during this period but little information is to be found. Enough remains, however, to convince one of the hardships of traveling in these early times. Some idea of the difficulties due to the lack of roads may be gathered from the journal of a voyage made by Augustine Herrman, the author of an important map of Maryland. In 1659, Peter Stuyvesant, the Director-General of the New Netherlands, sent Herrman and Resolved (or Roosevelt) Waldron as Commissioners to Governor Fendall of Maryland to confer concerning an alleged attack upon Dutch possessions by Colonel Utie of Maryland. Herrman and Waldron left New Amstel, now Newcastle, in Delaware on September 30, and walked through the woods, part of the way without a path, to the river Elk. Here they embarked in a boat procured from the Indians, and, after rowing nearly all night, arrived on October 2 near Sasafra. Thence they rowed to Kent Island, where they abandoned their first boat, which now leaked wretchedly, and secured another from a Captain Wike or Wickes, one of the magistrates of the island. After a fine run to Billingsly Plantation, "at the cleft" or cliffs [of Patuxent], on October 6 they arrived at Colonel Coortsey's house upon the Patuxent, and on the following day they went nine miles by land to Secretary P. Calvert's.<sup>1</sup>

Even the establishment of a general road-law seems to have given little or no relief. Six years after the passage of the act of 1666, the celebrated Quaker, George Fox, describes his progress from the Eastern Shore of Maryland to the North as "a tedious journey through the woods and wilderness, over bogs and great rivers." "We took horse," he writes, "at the head of Tredaven Creek, and traveled through the woods, till we came a little above the head of Miles River, by which we passed, and rode to the head of Wye River; and so to the head of Chester River; where making a fire, we took up our lodgings

<sup>1</sup>Hazard. *Annals of Pennsylvania*, pp. 287, 290 (Philadelphia, 1850).

in the woods. Next morning we traveled through the woods till we came to Saxifrax River, which we went over in Canoes (or Indian boats,) causing our horses to swim by. Then we rode to Bohemia River: where in like manner swimming our horses, we ourselves went over in Canoes. We rested a little while at a plantation by the way, but not long, for we had thirty miles to ride that afternoon, if we would reach a town; which we were desirous to do, and therefore rode hard for it. . . . The town we went to was a Dutch town, called Newcastle.”<sup>1</sup>

The slowness with which changes in the methods of transportation were brought about may be illustrated from the fate of a petition made by some of the inhabitants of St. Mary's county to the General Assembly of the Province, upon the occasion of the removal of the capital from St. Mary's City to Annapolis. The fifteenth article of this petition set forth that “the petitioners suspected the chief dislike of the location of the capital at St. Mary's to be on account of the inconvenience of its situation, because the gentlemen, the members of the house, have been forced to their great trouble oftentimes to travel on foot from Patuxent to St. Mary's and so back again.” To remove all cause for such an objection, the inhabitants of St. Mary's bound themselves to procure “a coach or caravan or both to go in all times of public meetings of Assemblies and provincial Courts, etc. every day daily between St. Mary's and Patuxent River and at all other times once a week.”<sup>2</sup> This magnanimous proposal did not meet with the respect it deserved, for the House rather rudely observed that “The petitioners offer fair as they have done formerly, but never yet performed any, and this House believes that the Gen'l Welfare of the Province ought to take place of that Sugar Plum and of all the Mayor's Coaches, *who as yet never had one!*”<sup>3</sup>

#### THE COUNTY COURTS AND THE ROADS.

To the County Courts, or Commissioners—for the terms were interchangeable—were intrusted the construction and maintenance of the

<sup>1</sup> Journal of George Fox, vol. ii, pp. 108-9.

<sup>2</sup> Upper House Journal, 1694, p. 768.

<sup>3</sup> Upper House Journal, 1694, p. 772.

highways. The records of the proceedings of these bodies contain a great deal of interesting information in regard to the development of the roads, but this information is unfortunately neither so complete nor so uniform as might be wished. The records of some of the counties have been destroyed by fire; many others, though extant, are seriously damaged through carelessness; or the worthy scribes themselves, in many cases, have taken but small pains to detail their proceedings upon road-matters. But the most serious difficulty for the historical student results from the practice of recording and mentioning roads by the names of the *persons* near whose lands they passed, instead of the names of the *points* or *places* through which the road ran. The reason for this is obvious; highways could not be described as running from town to town at a time when, with very few exceptions, there were no towns.

#### ST. MARY'S AND CALVERT COUNTY RECORDS.

Direct sources for the early history of highways in St. Mary's and Calvert counties are no longer obtainable, because the court records of these counties have been burned. Some information may be gained from the proceedings of the Assembly, which now and then busied itself with matters of local importance, providing, as was shown above,<sup>1</sup> for the construction of a main road from Charles county to the capital. It is probable, moreover, that the methods of highway administration here were identical with those of Charles county, of which the records have fortunately been preserved.

#### CHARLES COUNTY RECORDS.

The records of the County Court of Charles county now rest securely in the Record Office at Annapolis. From these records it appears that in 1666 "each respective Constable of Charles Countie" was by warrant ordered "to appoint good, able and sufficient men overseers of y<sup>e</sup> works to be performed by virtue of y<sup>e</sup> said Act (1666) and also to hire procure and provide for them sufficient Labourers and Labouring tools and other necessities for y<sup>e</sup> performance of y<sup>e</sup> works

<sup>1</sup> P. 112.



intended in y<sup>e</sup> said Act." The overseers thus appointed were ordered to "repaire to the next commissioner inhabiting nearest to you for such orders and directions to be given you as shall be needful for y<sup>e</sup> discharge of your duties herein. Whereof faile not as you will answer &c." <sup>1</sup>

This certainly seems a good beginning. Unfortunately, however, no more entries are to be found for the space of twenty-four years.<sup>2</sup> The work went on during this time, no doubt, and overseers were annually appointed, but the clerks neglected to keep a detailed record of road affairs.

#### BALTIMORE COUNTY RECORDS.

In the records of the Baltimore County Court the earliest entry of interest, which bears the date March 6, 1682, recites that the jurors for Baltimore county "do present the overseers of the highways of Gunpowder Hundred and the overseers of the highways of Patapsco for not making the highways passable for man or horse." The overseers of Spesutie Hundred, farther north, were also presented.<sup>3</sup> These drastic measures seem to have been efficient, for at June Court the delinquent overseers were excused "by Reason of there Amend<sup>mt</sup> of y<sup>e</sup> sd Highways."<sup>4</sup> Several other orders in reference to roads in particular localities were given at different times by the Court.

The regulations concerning ferries, the management of which, like that of the roads, was in the hands of the County Commissioners, are often serviceable in determining the principal courses of travel. At November Court, 1683, for example, provision was made for ferries over the Patapsco, Gunpowder, and Bush rivers;<sup>5</sup> this and subsequent entries make it certain that by 1685 there was a continuous road or roads laid out from the Patapsco to the Susquehanna.<sup>6</sup> Not more than five years later, the Court ordered that these roads should be

<sup>1</sup> Charles County Court Proceedings, Liber C, pp. 84-86.

<sup>2</sup> Some orders are indexed for the year 1684, but this volume is missing.

<sup>3</sup> Balto. Co. Court Proceedings, Lib. D, p. 103.

<sup>4</sup> Balto. Co. Court Proceedings, 1683, June. These are preserved without much arrangement, in the Record Office, in Baltimore.

<sup>5</sup> Balto. Co. Court Proceedings, Lib. D, 103.

<sup>6</sup> Across the Susquehanna, in Cecil County, was Susquehannah Manor, granted to George Talbot, in 1680. This region was as yet thinly settled.



made passable for carts. In 1692 the usual procedure was varied by an order "that from henceforward the persons above-mentioned their Ma<sup>ties</sup> justices Doe grant out their warrants and appoint what overseers they think good for clearing the highways in their respective hundreds, as they shall think fitt." Two years later the overseers were ordered to take with them "Every tythable in their hundred for the making of good highways thirty foote wide, not leaveing Loggs, Brush or Roots, appearing above ground, or young Saplings in the said Roades."<sup>1</sup> "Good and sufficient bridges for man and horse to pass over" were also to be constructed.

After these praiseworthy beginnings the energy of the Baltimore County Commissioners seems to have suffered a relapse, since very few entries are to be found for a considerable time. Two noteworthy items there are, however; one under 1695 gives directions to clear the road from the Courthouse to the Great and Little Falls of Gunpowder;<sup>2</sup> the other, in 1711, orders the construction of a "very fair and spacious Road directly leading out of the Main Road to this town of Joppa."<sup>3</sup>

#### THE HERRMANS AND THE ROADS OF CECIL COUNTY.

The beginnings of highway-construction on the Eastern Shore, at least in the northern part of it, seem to have been the care of a single family. Augustine Herrman, to whom reference has already been made, received in 1662 the grant of Bohemia Manor from Cecilus, Lord Baltimore.<sup>4</sup> The location that Herrman chose for his plantation was an additional proof of his intelligence. Bohemia Manor, bounded on the west by the Elk river, and St. Augustine Manor, a later grant, bounded on the east by the Delaware river, together spanned the Eastern Shore peninsula at about its narrowest point, and the idea of connecting the navigable waters on the west and east by a road had occurred to Herrman even before he received his grant.<sup>5</sup> In 1671 the authorities at New York ordered their deputies at New

<sup>1</sup> Balto. Co. Court Proceedings, 1694, Nov. Ct.

<sup>2</sup> Balto. Co. Court Proceedings, 1695.

<sup>3</sup> Balto. Co. Court Proceedings, 1711.

<sup>4</sup> Johnston. History of Cecil County, p. 38.

<sup>5</sup> Hazard. Annals of Pennsylvania, p. 321.

Castle to clear one-half of a road from that place to Herrman's plantation, the Marylanders having offered to clear the other half.<sup>1</sup> Another road, constructed about this time, connected Herrman's plantation with that of his sons on the Delaware.<sup>2</sup>

The settlements in this part of the Province increased rapidly, and in 1674 the lands lying between the Susquehanna and the Chester rivers, which had been hitherto a part of Baltimore county, were erected into a new county under the name of Cecil.<sup>3</sup> The Cecil County Court took up the work of the Herrmans and devoted much attention to the making of roads. An interesting example of these old Cecil roads is that known as the "Old Choptank Road," which formed the dividing line between Bohemia and St. Augustine Manors. "It was originally," says Johnston, "an Indian path that led from the Choptank river along the dividing ridge between the two bays, probably far up into Pennsylvania, but was laid out and cleared from the head of St. George's creek to the Chester river, twelve feet wide, for a cartroad, in 1682, by Casparus Hermen and Hugh McGregory, who were appointed for the purpose by the Court." By 1714 it had fallen into disuse.<sup>4</sup>

#### AN EARLY MAIL-ROUTE.

Perhaps because of the greater density of population on the upper Eastern Shore at this time, and the existence of better roads, the route down the Eastern Shore peninsula became the favorite line of travel from Philadelphia southward, and when, under the general stimulation that followed the removal of the capital from St. Mary's to Annapolis, the Assembly established a public post, the peninsula route was selected.

Previously ordinary letters relating to public affairs had been for-

<sup>1</sup> Johnston. History of Cecil County, p. 76.

<sup>2</sup> Johnston. History of Cecil County, pp. 78-9.

<sup>3</sup> McMahon. History of Maryland, p. 92.

<sup>4</sup> Johnston. History of Cecil County, p. 187. A strip of land five or six miles wide across this peninsula at its narrowest point might well be selected to represent the steps in the development of methods of transportation: Indian trail, cartroad, stage-route, turnpike, canal and railroad.

warded from house to house.<sup>1</sup> Upon occasions of unusual importance communication with the neighboring provinces was carried on by means of "expresses," or mounted postmen. A great advance upon the earlier methods was made by the establishment in 1695 of a regular post. It was ordered that the route "begin at Newton's Point upon Wicomico River in Potomack and so to proceed on to Allen's Mill, from Allen's Mill to Benedict Leonard Town, from Benedict Leonard Town over Patuxent to Mr. George Lingan's, from Mr. Lingan's to Mr. Larkin's and so to South River and Annapolis. From thence to Kent and so to William Stadt<sup>2</sup> and from thence to Daniel Toas's<sup>3</sup> and so on to Adam Petersen's and from thence to New Castle and so directly to Philadelphia."

A "salary" of fifty dollars was allowed Mr. John Perry, "the post," for carrying "all public messages and Paquettes eight times a year betwixt Potomack and Philadelphia."<sup>4</sup>

On special occasions Mr. Perry seems to have acted as "express" to points not included in his usual route. He survived his appointment only three years; whether his disease resulted from the exposure to which his duties subjected him is not known, but after his death the system seems to have been abandoned by the Maryland Legislature.<sup>5</sup> It is probable that the Pennsylvania authorities maintained a similar post-route for some time.<sup>7</sup>

#### THE LAW OF 1704 AND ITS SUPPLEMENTS.

The year 1696 saw the enactment of a new road-law entitled "An Act for the better clearing of the Roads, and directing all Travellers through the Province."<sup>8</sup> This was the first important advance upon the early law of 1666, which had been reënacted from time to time,

<sup>1</sup> Assembly Proceedings, vol. i, p. 415, April-May, 1661. (See also subsequent laws.)

<sup>2</sup> Probably not far from Mount Pleasant.

<sup>3</sup> Oxford.

<sup>4</sup> On Chester river.

<sup>5</sup> Upper House Journal, May 14, 1695, p. 809.

<sup>6</sup> McMahon, History of Maryland, p. 266.

<sup>7</sup> See Watson's Annals of Philadelphia, vol. ii, p. 391; vol. iii, p. 47 (Philadelphia, 1890).

<sup>8</sup> Bacon's Laws of Maryland, 1696, chap. xxiii.



with but little amendment. The text of the act of 1696 is not to be found in the Journals of Assembly nor in Bacon's *Laws of Maryland*; but lengthy quotations from it, transcribed in the records of Charles County Court, indicate that its provisions were practically the same as those of an act passed eight years later, in 1704,<sup>1</sup> bearing the same title as the law of 1666.

The act of 1704, the text of which has been preserved, constituted, with a few amendments, the road-law of the Province of Maryland for the next half century. By its provisions all public and main roads were to be hereafter cleared and well-grubbed, fit for traveling, twenty-foot wide; and good and substantial bridges made where such were necessary, at the discretion of the County Courts. Once a year the latter were to "ascertain<sup>2</sup> and set down" in their records what were the public roads of their respective counties and to appoint overseers of the same. Any person altering or changing such public roads without the leave of the Governor and Council, or the County Justices, was to be fined 500 lbs. of tobacco. The same fine was provided in case any overseer so appointed should neglect to clear the roads under his charge. Every laborer who refused to serve the overseer and every master of servants, who, upon summons from the overseer, refused to send all his taxable male servants to assist the overseer, was to be fined; every laborer 100 pounds of tobacco, and the master 100 pounds for every servant named and not sent. The clerk of the county was ordered to issue to the overseers appointed, warrants which should be delivered to them by the sheriffs of their respective counties. If clerk or sheriff was delinquent in this respect he was mulcted 1000 pounds of tobacco.

That highways were still in a rudimentary state, and that it must have been easy to lose one's way, appears from the fifth section of this act, which is so curious that it had best be quoted exactly.

"V. And that all the Roads that lead to any Ferries, Court-house of any County, or to any Church, or leading through any County to the port of *Annapolis*, shall be marked on both Sides the Road with Two Notches; if the Road lead to *Annapolis*, the Road that leads there, at the leaving the other Road, shall be marked on the Face of the Tree, in a smooth Place cut for

<sup>1</sup> Bacon's Laws of Maryland, 1704, chap. xxi.

<sup>2</sup> Establish with certainty.

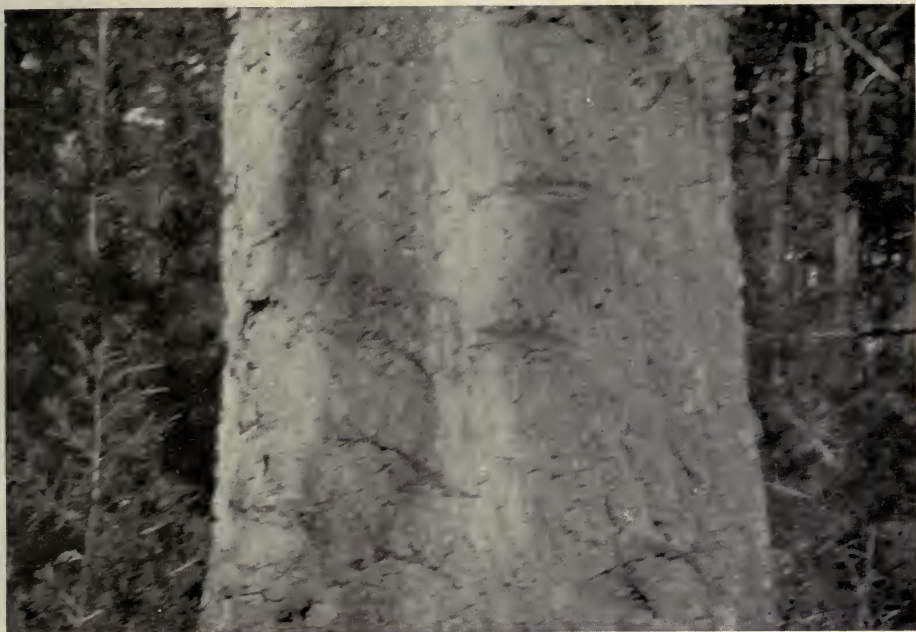


FIG. 1.—VIEW OF NOTCHES ON TREE.



The Friedenwald Co.

FIG. 2.—VIEW OF ROAD WITH NOTCHED TREE.





that Purpose, with the letters A A set on with a Pair of Marking-Irons, and coloured; and so with Two Notches all along the Road; and where at any Place it leaves any other Road shall be again distinguished with the Mark aforesaid, on the Face of the Tree, with a Pair of Marking-Irons, and coloured as aforesaid. And any Road on the Eastern Shore, in Talbot County, that leads to the Port of William-Stadt [Oxford] at the entering of the same, and on parting with or dividing from any other Road, shall be marked on the face of a Tree, in a smooth Place cut for that purpose, with the letter W, and so with Two Notches all along the Road. And the Roads that lead to any County Court-house, shall have Two Notches on the Trees on both Sides of the Road as aforesaid, and another Notch a Distance above the other. And any Road that leads to a Church, shall be marked at the Entrance into the same, and at the leaving any other Road, with a Slip cut down the Face of the Tree, near the ground. And any Road leading to a Ferry, and dividing from other public Roads, shall be marked with Three Notches of equal Distance at the Entrance into the same. And these Rules and Methods, the several Justices of the County Courts, shall, from Time to Time, give in Charge to the Overseers of the Highways, by them to be appointed for that purpose; who are likewise enjoined carefully and strictly to observe and perform the same, under the Penalty aforesaid."

Survivals of this manner of directing travelers appear in the various "Notch Roads" still to be found in some counties of the state. Along at least one of these, the "Three Notch Road" in southern Maryland, notches, some of a remote date, may still be discerned in the bark of many of the oldest oaks as shown in Plate XII.

A considerable advance in methods of construction is indicated by the detailed provisions as to the width and the "grubbing" of the roads and the erection of bridges.<sup>1</sup> The use of carts for freight transportation by land was becoming more general in the thickly settled parts of the Province, although travelers still journeyed almost exclusively upon horseback.

Although the provisions of the act of 1704 are more detailed than those of the law of 1666, the general principle of procedure was not materially altered; overseers were still appointed by the County Courts. One important difference, however, was that while the

<sup>1</sup> The overseers of the highways were frequently hindered in repairing bridges by the refusal of the owners of the adjacent lands to permit them to cut trees for that purpose. Therefore, in 1724, the overseers were authorized, by a law [chap. xiv], supplementary to that of 1704, to make use of any trees, except those fit for clapboards or cooper's timber, for building or repairing any bridge maintained at a public or county expense; *i. e.*, for which appropriations were made distinct from those for highways.



earlier act authorized the County Court to levy tobacco or labor to be assessed equally upon the taxables of each county, the later law imposed a *fine* for non-attendance when summoned by an overseer to work upon the highways. The recovery of these fines proved vexatious. Hence in 1723<sup>1</sup> the prosecution of such fines in the County Court was stopped and the determination of the penalty left to any one justice who must keep a list of such determinations and return the same every year to the Court, to be levied on execution by the sheriff, if unpaid.

#### THE ROADS "ASCERTAINED."

Another important innovation of the act of 1704 was the requirement that the justices should once a year "ascertain and set down" in their records the public roads of their respective counties. Occasionally, when the County Clerk was not too much occupied, this order was obeyed, but such entries are few and scattered. In view of the rarity and local interest of these "ascertainments" of roads, the following have been transcribed:

#### CHARLES COUNTY.

"The Publick Roads of Charles County Nominated (September 14th, 1697)."

"From Newton's Point to Pyskyawaxon to William Marshall's and from thence to William Thompson's and soe to y<sup>e</sup> head of Port Tobacco Creek; thence to Nangemy Mill, and from y<sup>e</sup> said Mill to Mr. Randolph Hinson's and so round to Mattawoman, and from thence to y<sup>e</sup> head of Port Tobacco Creeke again, and thence to y<sup>e</sup> Court-house of this County, and from y<sup>e</sup> aforsd William Marshall's to y<sup>e</sup> Mill at y<sup>e</sup> head of Wicomico River, and so over y<sup>e</sup> head of y<sup>e</sup> said River down to Budd's Creek and from y<sup>e</sup> Mill at y<sup>e</sup> head of Wicomico River aforesaid up to y<sup>e</sup> Court-house of this County, and from y<sup>e</sup> Court-house y<sup>e</sup> road that goeth to Piscattaway to y<sup>e</sup> uttmost bounds of the County and out of y<sup>e</sup> said Roade about three miles above y<sup>e</sup> Court-house a new Roade to be Cleared betweene Henry Dreydens Quarter & Richard Brightwells Quarter to goe to Annapolis to y<sup>e</sup> bounds of Prince George County, and from y<sup>e</sup> Court-house y<sup>e</sup> Roade to y<sup>e</sup> bridges over Zachyah Swamp, and from thence to Widdow Walters, and from thence to Benedict Leonard Town, and from thence up to James Bigger's and from Budd's Creek to y<sup>e</sup> bridges over Piles his fresh branch and from thence up to Major Boaremans Quarter and soe to y<sup>e</sup> utmost bounds of y<sup>e</sup> County towards Annapolis that way."

<sup>1</sup> Bacon's Laws of Maryland, 1723, chap. xvii.

## CECIL COUNTY.

"The Court ascertains all ye publique Roads of this Coty Vizt.

Nov. ye 16, 1710.

"From ye Cort house to ye ferry of Bohemia ye one leading directly to Franklins point ye other by ye way of ye white Marsh, & soe to Broxsons by ye way of Mr. Norris's Mill & another leading by ye way of John Runnington's to ye head of Bohemia, another from ye Cort house to ye head of Sas-safras, Another from Wm. Davis's to ye Cross Paths nigh ye head of Bohemia, another from sd Crosspaths to Vanbebbbers Mill & from thence to Jno Chicks & from thence to Smith's Mill & from thence to Susquehannah ferry, from thence to Turkey point to Smith's Mill, from Turkey Cock hill to the head of North East River from ye North side of Bohemia ferry to John Chicks from ye Maine Road where it strikes of upon ye Manner Road to ye head of Back Creek, above where Hanse Marens formerly lived & from thence the highest way to Smith's Mill ye road from ye northside of Bohemia ferry to Elk Ferry, and from ye northside of Elk ferry to ye head of North East River."

## ANNE ARUNDEL COUNTY.

August Court, 1734.

"The following Roads are Deemed and ascertained by the Justices of this Court to be publick Roads (Viz), from Annapolis over Severn Bridge to Patapsco Ferry from Annapolis to Huntington, from Annapolis to Elk Ridge from Annapolis round the head of South River From Appapolis to South River ferry from Severn Bridge to Bells Mill from Elk Ridge Road to Indian Landing From Bells Mill to South River Ferry from South River Ferry to Queen Annes Ferry from South River Ferry to the Bay Side Road that leads to fishing Creek and from South River Ferry the Road that leads through the Mannour from Severn Ferry to Long Bridge by the Chappel to the Mountain, from Severn Ferry round the head thereof from Patapsco Falls to Rowle's from Deep Run to Patapsco ferry from London Town to Pigg point Ferry from London Town to Lyons Creek from the head of Road River Hund<sup>a</sup> to Queen Annes Ferry from Henry Ridgeley's to the landing at Patapsco at the Mill thereof from William Ridgeley's to the said Landing at the head of Patapsco from Catlins old fields to Carrolls Mannour From Catlins Old Fields to the Locust Thicket."

The Ferries are ascertained as follows:

"South River from Crown Point to the usual landing at London Town. from Hughes Landing to Moals & Giles Points. Patapsco. Pigg Point."

## EARLY "ROLLING ROADS."

Two years after the removal of the capital to Annapolis the Assembly, as a part of their scheme for developing Annapolis into a thriving port, ordered the construction of four "rolling roads" for the

transportation of tobacco in cask into the town. Provision for some of these "rolling roads" was made by nearly every County Court. "In order to pass the tobacco hogsheads safely over the 'rolling roads' it was necessary that they should be made and hooped in the strongest manner; the tobacco after being dried and stripped from the stems was packed tightly in the hogsheads and 'headed' up; these were then rolled over and over by two men to each hogshead, to the place of shipment. The 'rolling roads' were generally of a roundabout description, from the necessity of avoiding hills, and though long out of use, could be distinctly traced on Elkridge, after 1820. Several roads of this description are still distinguishable in Harford County."<sup>1</sup> Later, these casks were fitted with shafts and hauled by oxen.

#### EXEMPTIONS FROM HIGHWAY SERVICE.

An interesting feature of the road-law of the Province lay in the provisions concerning exemption from labor upon the roads. To encourage the manufacture of iron, the Assembly in 1732<sup>2</sup> ordered that no white man or slave, employed about any iron work (unless he was also employed in raising tobacco), should be obliged to work upon the roads or bridges. This privilege was abused; so in 1736<sup>3</sup> exemption from labor on the roads was restricted to those constantly employed in iron-works. The law was later amended, in 1750,<sup>4</sup> by requiring the owners of iron-works to send for road-work one out of every ten laborers they employed. Later, owners of water-mills were obliged to see to the repairs of the roads that crossed their property, but were exempt from other work upon the roads. On the other hand, overseers of the highways were excused from jury service while in pursuit of their official duties.<sup>5</sup>

NOTE.—The preceding extracts and references include all the legislation concerning highways enacted during the seventeenth and the first half of

<sup>1</sup> Tyson, M. E. *A Brief Account of the Settlement of Ellicott's Mills*, p. 25 (Baltimore, 1865).

<sup>2</sup> Bacon's *Laws of Maryland*, 1732, chap. xvii. This work includes the laws passed prior to 1764.

<sup>3</sup> 1736, chap. xvii.

1750, chap. xiv.

<sup>5</sup> 1715, chap. xxxvii.



the eighteenth centuries, with the exception of occasional laws such as that of 1750 (chap. xv), to empower the Justices of Prince George's County Court, "to treat and agree with an undertaker or undertakers, to stop a breach now made, across the main road in Queen Anne Town." The use in this case of the word "undertaker" in the sense of "contractor" is interesting.

## COMMERCIAL GROWTH AND THE "WESTWARD MOVEMENT."

### MARYLAND TOWNED AND "UNTOWNED."

The "ascertainties" of the seventeenth century in the Maryland County Court records impress one with the decidedly local character of the roads of that period, and the absence of the extensive highways of later times. A similar contrast with present conditions is to be seen in the dispersion of the colonial population and the non-existence of the many towns that are now to be found throughout the state. Both these contrasts, it will appear, have the same explanation.

The colonists early felt the lack of some depots, or centers of commerce, and endeavored to supply them. A description of Maryland written in the year 1670-1 states that—

"The Inhabitants (being in number at present about 16000) have begun the building of several *Townes*, which in a few yeares 'tis hoped may come to some perfection; as *Calverton*, *Herrington* and *Harvy-Town*, all Commodiously seated for the benefit of *Trade* and *Conveniency of Shipping*; but the principal Town is *St. Maryes*, seated on *St. George's River*, being beautified with divers well-built *Houses*, and is the chief place or seate of *Trade* for the *Province*."<sup>1</sup>

Soon the Legislature took up the idea, and within a few decades after 1683 ordered the erection of over one hundred "towns," all upon tidewater.<sup>2</sup> Within a quarter of a century, however, most of them had disappeared; some, indeed, had never actually existed; some

<sup>1</sup> Blome, R. "A description of the Island of Jamaica; with other Isles and Territories in America, to which the English are related." London, 1672, p. 165.

<sup>2</sup> Bacon's Laws, 1683, chap. v.



died a lingering death; some were "untowned," as a subsequent act expressed it, by the Assembly. That these *fiat* towns should fail was inevitable. "The innumerable rivers and creeks," says Dr. Wilhelm, "that ramify the state like the arterial system of the body caused the canoe and the pinnace to supersede the cart and the carriage, and prevented the growth of the cross-road settlements as in the other colonies, and forced the planters to do their merchandising at the tide-water settlements."<sup>1</sup> Not until the colonists had sought new lands away from the waterside could roads take the place of rivers, and, concentrating at points of vantage, foster in a natural growth the towns which refused to spring into life at the bidding of the Legislature.

#### THE WESTWARD MOVEMENT.

During the royal government of the province "immigration, the principal cause of the rapid increase in population of the colony during the preceding era, had in a great degree ceased."<sup>2</sup> In the second quarter of the eighteenth century settlement commenced anew.

Just as in 1730 the settlements in Pennsylvania had pushed beyond Lancaster, so, too, in Maryland the "westward movement" had begun. Prince George's county, set off from Charles in 1695,<sup>3</sup> was in its turn reduced to definite limits by the separation of Frederick county in 1748.<sup>4</sup> In the meantime the gradual growth westward of the colonial settlements is seen in the records of the Prince George's County Court.

Coincident with this growth came the extension of lines of communication. At November Court, 1712, the overseer of the New Scotland Hundred was directed to lay out and clear a road from the forks of the east branch of the Potomac to the upper lands of Rock creek. Sixteen years later the inhabitants of Monocacy Hundred petitioned for a road from the ford of Monocacy to the house of Mr. Nathan Wickham. In 1739 Meredith Davis claimed pay for keep-

<sup>1</sup> Wilhelm. *Local Institutions of Maryland*. The Town, III. J. H. U., *Studies in Historical and Political Science*, p. 405.

<sup>2</sup> McMahon, *History of Maryland*, p. 273.

<sup>3</sup> McMahon, p. 92-3. Bacon's Laws, 1695, chap. xiii.

<sup>4</sup> McMahon, p. 94. Bacon's Laws, 1748, chap. xv.

ing a ferry over Monocacy on "the wagon road that comes by John Stull's to Monacosy."<sup>1</sup> And in the same year there was presented to the Assembly the petition "of several Inhabitants at and above Monocasy Creek," "others at and about the Blue Ridge alias Chenandore Mountain," others "about Monocasy above the Mountains of Potomac River," and still others of "Potomac River on the back parts of Virginia," praying that "a good wagon road might be made at the public charge from the several places aforementioned to the city of Annapolis . . . for the more easy carriage of their grain, provisions and other commodities." The economic importance of such a connection was apparently not appreciated by the Lower House, which delayed consideration of this petition to another session.<sup>2</sup>

#### THE MONOCASY [MONOCACY] ROAD.

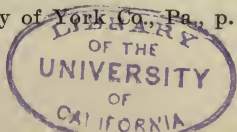
The section of Maryland mentioned in the petition just quoted had for some time been connected with Philadelphia by an important route of travel and traffic known as the Monocasy Road. This led from the western part of Virginia across the Potomac near the mouth of Conococheague creek, passing near Frederick and through Monocasy, a German settlement supposed to have been near the town now called Creagerstown, to the Pennsylvania line.<sup>3</sup> It is said that this road was originally an old Indian trail, later used extensively for pack-horse travel and by missionaries as a route connecting the western part of Virginia with the German settlement in Pennsylvania.<sup>4</sup> In 1739 the Monocasy Road, or certainly the Pennsylvania part of it, was laid out as a wagon-road, connecting at Lancaster with the road from Philadelphia. From Lancaster it ran westward, crossing the Susquehanna at Wright's Ferry, now Wrightsville, thence through the settlement upon the Big Codorus, afterwards laid out as York, thence through Hanover, crossing the Maryland line near Kreutz-

<sup>1</sup> The Records of the County Court of Prince George's county repose in the attic of the Courthouse at Marlboro, mixed up with a ton or so of old paper, cases, accounts, etc.

<sup>2</sup> L. H. Journals, 1720 to 1739, May 14.

<sup>3</sup> Schulz. First Settlements of Germans in Maryland, pp. 5-6.

<sup>4</sup> Gibson (Ed.). History of York Co., Pa., p. 321.





millers' Mill on Conewago creek, and so to the Potomac as described above.<sup>1</sup>

This early connection with Philadelphia had done much to develop this part of Maryland. In 1745, the town of Frederick was laid out on lands belonging to Daniel Dulany of Annapolis, who had the economic welfare of Maryland much at heart. Other settlements had preceded this, and many followed. The soil was excellent, and one might see "turkish corn [maize or Indian corn] almost without manure, with stalks ten and more feet long."<sup>2</sup> Soon highways were cleared between Frederick and Annapolis and between Frederick and Baltimore.<sup>3</sup>

#### TRAVEL NORTH AND SOUTH.

Meanwhile closer and more frequent communication was being established between Maryland and her neighbors on the north and south. Between the years 1705 and 1748 no less than fifteen ferries across the Potomac river into Maryland were established by the Assembly of Virginia.<sup>4</sup> From Philadelphia, Jonathan Dickinson writes, in 1717:<sup>5</sup> "We have a settled post from Maryland and Virginia unto us, and goes through all our northern colonies, whereby advices from

<sup>1</sup> Gibson (Ed.). History of York Co., Pa., p. 514. It is probably the Monocacy Road that is set down on the map as the "Great Philadelphia Wagon Road." In the Post Map of New England, New York, New Jersey and Pennsylvania, by Moll, dated 1730, which is one of the earliest to contain any indication of roads, this highway is continued only as far south as the Maryland line. Not much later it was paralleled by one from Winchester in Virginia to Shippensburg, Pa., across Maryland, further to the west.

<sup>2</sup> Schulz. First Settlements, etc., p. 7.

<sup>3</sup> Ibid., p. 12.

<sup>4</sup> See Hening's Statutes at Large, passim, and especially the Ferry Act of 1748, vi, Hening, 18. Some of the more important of these Ferries were:

1705. Col. Wm. Fitzhugh's in Stafford Co., Va.

1720. From Col. Rice Hoe's to Cedar Pt., Md.

1732. From just below Quantico Creek to Col. Geo. Mason's in Md.

1740. From Dieg's Neck, Prince William Co., Va., to the lower side of Pamunky in Prince George's Co., Md.

1744. Evan Watkins, opposite mouth of "Canagochego."

1745. Wm. Clifton, Fairfax Co., Va., to Prince George's Co., Md.

1755. From land of Thos. Swearingen in Frederick Co., Va.

1755. From land of Lawrence Washington in Stafford Co., Va.

<sup>5</sup> Watson. Annals of Philadelphia, vol. ii, p. 392.



Boston unto Williamsburg in Virginia is complete in four weeks, from March to December, and in double that time in the other months of the year." Ten years later, "the mail to Annapolis is opened to go once a fortnight in summer and once a month in winter, via New Castle &c., to the Western Shore, and back to Eastern Shore; managed by William Bradford in Philadelphia, and by William Parks in Annapolis."<sup>1</sup>

Maps, newspapers and almanacs likewise make clear the constant increase of travel. The maps are more detailed. Another map by Moll of the same date (1730) as that mentioned above shows very roughly the post-road from Philadelphia across the Susquehanna and by the heads of the other rivers to Annapolis, thence to Marlboro, thence to Stafford C. H., in Virginia.

The maps of Evans (1749)<sup>2</sup> and of Fry and Jefferson (1757) indicate the main lines of travel through Maryland, and show that a considerable choice of route was possible. Also the Maryland Gazette contains many advertisements illustrating the increase of intercolonial communication.

In Evans' map the post-road runs from the Potomac to London Town, passing near Annapolis, with branches to and from that city, forming a triangle; then across the Magothy, with one branch passing around the head of Patapsco by Elkridge, and another crossing the Patapsco directly, and meeting the first at New Town; thence to Joppa, the mouth of the Susquehanna, Northeast, and Hollingsworth, whence one branch goes to Ogle Town, Pennsylvania, and another to New Castle, Delaware. Another road branches off just west of the Delaware line, and runs south to Georgetown, upon the Sassafras, and thence to New Town.

Fry and Jefferson's map shows some variations from the others. The post-road crosses the Potomac at Belhaven, or Alexandria, and so to London Town and Annapolis. This is met at the Patuxent by another road from Charlestown [Port Tobacco] passing through Upper Marl-

<sup>1</sup> Watson. *Annals of Philadelphia*, vol. ii, p. 392.

<sup>2</sup> Mathews. *Maps and Map-makers of Maryland*. Maryland Geol. Survey, vol. ii, pp. 337-388.

boro. The route is then similar to Joppa, passing to the northwest of the old site of Baltimore Town upon Bush river, then to the Susquehanna, Principio, Charlestown and New Castle. The route down the Eastern Shore is also given.

In June, 1729, John Carnan, at Bohemia Landing, advertises that in addition to a sloop and hands for the trade of the Chesapeake Bay, he likewise keeps carts and horses for carrying goods by land between the two bays of the Delaware and Chesapeake, that is, between Apokinomy and Bohemia Landing. At a later time,<sup>1</sup> William Clifton, of Fairfax county, Va., declares that all persons "may there be assured of a ready Passage over Potomack River, and Good Entertainment for Man and Horse; and as the River is narrower in that part than below it may reasonably be allowed the most convenient and short road from Annapolis to Williamsburg." The distances are given as follows:

	Miles.
Annapolis to South River Ferry.....	4
thence " Queen Anne .....	9
" " Marlboro .....	9
" " Broad Creek .....	16
" " said Clifton's Ferry in Va.....	2
" " Occoquan Ferry .....	16
" " Acquia .....	13
" " Fredericksburg Ferry .....	16
" " Caroline C. H.....	20
" " Burk's Ordinary .....	13
" " New Castle .....	27
" " New Kent C. H.....	20
" " Fremeaux Ordinary <sup>2</sup> .....	14
" " Williams .....	16
In all .....	200

Poor Richard's Almanac for 1733 gives "A Description of the Highways & Roads From Annapolis in Maryland to Philadelphia," 145 miles thus accounted:

<sup>1</sup> Maryland Gazette, 1746, August 19.

<sup>2</sup> Inn or Hotel.

	Miles.
Annapolis to Patapsco Ferry.....	30
thence " Gunpowder Ferry .....	20
" " Susquehanna .....	25
" " Principio Iron-works .....	3
" " North East .....	6
" " Elk River .....	7
" " New Castle .....	17
" " Christine Ferry .....	5
" " Brandywyne .....	1
" " Naamans Creek .....	9
" " Chester .....	5
" " Derby .....	9
" " Philadelphia .....	8

#### THE DEVELOPMENT OF NORTHERN MARYLAND.

With the development of the means of intercourse came thicker settlement. The northern part of the province now began to be settled rapidly. An extensive tobacco trade made the town of Joppa on the Gunpowder river for many years the commercial center of northern Maryland, and the numerous "Joppa roads" testify to the importance of these highways to the development of the town. The decline of Joppa was due to a variety of causes, one of which was the natural advantage in situation possessed by Baltimore, which owes its later development to influences similar to those that had built up the older port.

Settlements increased also upon the borderland between Maryland and Pennsylvania, the debatable ground of Maryland history. About 1741, a way was opened between the settlement on the Conewago, Hanover, and that on the Patapsco, Baltimore Town.<sup>1</sup> This is the road shown on the maps as "Patapsco Road" and probably followed in the main the route of the present Hanover-Reisterstown-Baltimore road, with a branch road running to Elkridge. The settlers in York, Pennsylvania, also saw the advantage of communication with the Chesapeake. "The people," writes James Logan from Stenton to Thomas Penn, in August, 1743, "are very intent on y<sup>e</sup> thing and have opened a road to Patapsco. Some trading gentlemen there are

<sup>1</sup> Gibson (Ed.). History of York Co., Pa., p. 514.

desirous of opening a trade to York and y<sup>e</sup> Country adjacent. The inhabitants seem willing to close with them; and y<sup>e</sup> shortness of y<sup>e</sup> cut not being above 45 miles; from Philadelphia, they are about 90 miles, besides y<sup>e</sup> Ferriage over y<sup>e</sup> Susquehanna.”<sup>1</sup>

The efforts of the trading gentlemen apparently met with success, for “as long ago as 1751, in the month of October, no less than sixty wagons loaded with flaxseed, came down to Baltimore from the back country.”<sup>2</sup> Five years later, sixty-one overseers were appointed by the Justice, each for one section of the road.<sup>3</sup> The resources of the interior had been discovered, highways to the waterside had been begun, and the development of Baltimore was assured.

#### PACKHORSE VS. WAGON.

The beginning of the westward movement was accompanied by a gradual change from packhorse to wagon transportation. This change was accomplished against strenuous opposition on the part of the packhorse owners; just as a century later the wagoners themselves used in vain every effort to resist the extension of the railroads. A resident of Shearman Valley, Pa., who died in 1830, “aged nearly one hundred years, having lived a long life there among the Indians, . . . remembered seeing the first *wagon* arrive at Carlisle, and the indignation it excited amongst the packers, as likely to ruin their trade!—even the widening of the roads when first ordered, offended them!”<sup>4</sup>

The first wagons, constructed at a period prior to the general development of iron-manufacture, were, it is said, made entirely of wood, the wheels being “sawed from trunks of the gum or buttonwood tree.”<sup>5</sup> Improved vehicles came with the larger production of iron, especially after the Assembly of Maryland had extended its aid to the iron-industry.

<sup>1</sup> Gibson (Ed.). History of York Co., Pa., p. 514.

<sup>2</sup> Morse, J. The American Geography, p. 466.

<sup>3</sup> Balto. Co. Court Proceedings, 1756, 508ff.

<sup>4</sup> Watson. Annals of Philadelphia, vol. ii, p. 122. “The pack-horses used to carry bars of iron on their backs, crooked over and around their bodies—barrels were hung on them, one on each side.”

<sup>5</sup> Schulz. First Settlement of Germans in Maryland, p. 19.



## THE FRENCH AND INDIAN WAR.

In the year 1749 Col. Thomas Cresap of Maryland, Lawrence and Augustine Washington and Thomas Lee of Virginia, John Hanbury of London, merchant, and many other gentlemen of the two colonies and mother-country, obtained a charter from the British Government, under the name of The Ohio Company.<sup>1</sup> Into the broader history of this corporation it is here unnecessary to enter; by its scheme, however, of trading with the far west, this company originated an idea which later was realized in the National Road, the Chesapeake and Ohio Canal, and the Baltimore and Ohio Railroad. In all these enterprises the state of Maryland was particularly interested; hence an inquiry is warranted into the relations of the Ohio Company and of the French and Indian War to the development of highways in Maryland.

## EXPLORATION OF THE OHIO COUNTRY.

In 1749 Christopher Gist was employed by the new company to explore the Ohio country. Leaving Wills Creek, where the company next year built a stone house, on October 31, Gist followed an old Indian trail, then the only route through the wilderness, and after a wide detour to the west and southwest returned some months later.<sup>1</sup> Two years afterward Thomas Cresap, who had settled at a deserted Indian village known as the Shawanese Old Town, "undertook to lay out the course of a good road from Wills Creek to the mouth of the Monongahela, now Pittsburg. He employed as his assistant a friendly Indian, named Nemacolin."<sup>2</sup>

About this time the French Governor of Canada hastened to take every precaution to keep the English out of the Ohio country and establish the French there.<sup>3</sup> So open and energetic were the movements of the French that the Virginia government decided upon immediate opposition. Accordingly, in 1753, George Washington, then barely twenty-one years of age, was ordered to proceed to the fort

<sup>1</sup> Lowdermilk. History of Cumberland, p. 27.

<sup>2</sup> Lowdermilk, pp. 27-8.

<sup>3</sup> Lowdermilk, p. 29.

<sup>4</sup> Ibid., p. 40.



erected by the French upon the Ohio river, to deliver to its commander a letter from the Governor of Virginia, and incidentally to gather all the information he could concerning the strength of the French and the attitude of the Indian tribes.<sup>1</sup> Upon this, his first public mission, Washington proceeded to Wills Creek, Maryland, over what five years before was, "I believe, y<sup>e</sup> worst road that ever was trod by man or beast."<sup>2</sup> He left Wills Creek, in company with Christopher Gist, November 15, 1753, and returned to Williamsburg on January 16, 1754, with a letter from the French Commandant to Governor Dinwiddie. The Governor and Council of Virginia then "unanimously concluded that immediate steps should be taken to repel the invasion of the French by force of arms."<sup>3</sup>

"BRADDOCK'S ROAD."

The expedition now fitted out was put under the leadership of Col. Joshua Fry, with Washington second in command. Since Colonel Fry was killed as the result of a fall from his horse before he arrived at Wills Creek the entire responsibility fell upon Washington, who had gone ahead with the main body of the little army. From Winchester to Wills Creek, Washington was obliged to build the roads as he went and to make them passable for his horses and wagons; and he was bitterly disappointed upon his arrival at Wills Creek to find that no provision had been made for transporting the ammunition and stores across the mountains.<sup>4</sup> As it was impossible to stay where he was he resolved to push forward to the storehouse of the Ohio Company at Redstone Creek and there to erect fortifications and wait for reinforcements. Sixty men were sent ahead to make a road along the route blazed by Nemacolin and Col. Cresap, three years before. This road was afterwards known as Braddock's Road; but it was really constructed by Washington as far as the Great Meadows, and "was the first road built across the mountains."<sup>5</sup>

<sup>1</sup> Lowdermilk, p. 41.

<sup>2</sup> Washington's Journal, 1748.

<sup>3</sup> Lowdermilk, p. 45.

<sup>4</sup> Lowdermilk, pp. 48-9.

<sup>5</sup> Lowdermilk, p. 53. Mr. L. "walked over several miles of this road, starting at Cumberland, in the summer of 1877, and clearly traced it as far as

*Braddock's Expedition.*

General Braddock arrived in Hampton Roads February 20, 1755.<sup>1</sup> He proceeded to Williamsburg and then to Alexandria, where he held a conference with certain of the Colonial Governors.<sup>2</sup> The year before, Governor Sharpe of Maryland who, before General Braddock's coming, was in charge of the military operations against the French, had ordered the construction of a new road from Rock Creek to Wills Creek.<sup>3</sup> This was probably the road chosen for the regiment under Colonel Dunbar, which was ordered to proceed to Frederick in Maryland by the following route:

	Miles.
To Rock Creek .....	—
To Owen's Ordinary .....	15
To Dowdens .....	15
To Frederick .....	15
	—
	45 <sup>4</sup>

However, it is difficult to see just how Dunbar obeyed the direction, "Within a few miles of the Minocasy across the Minocasy in a Float."

Another regiment, commanded by Sir Peter Halkett, went direct from Alexandria to Winchester, Va., following this course:

the Six Mile House, on the National Road. The route pursued on leaving Wills Creek was along the valley in which Green St. extended now lies, the same being the exact course of the old National Pike. About a hundred yards east of Mr. Steele's house, and just where the Cresaptown Road now leads off southward, the road which Washington followed bore slightly to the North, and ran in almost a perfectly straight line to nearly the top of Wills Mountain, involving a very heavy grade and from there descended to the level of the Old Pike at Sandy Gap. In many respects the road was admirably chosen; it is as plain to-day as it was a hundred years ago notwithstanding trees of more than a foot in diameter are growing thickly in its bed. Having been used for sixty-five years, as the only road to the West, until 1818, when the National Pike was built, it became well worn" (p. 52).

<sup>1</sup> Lowdermilk, p. 104.

<sup>2</sup> *Ibid.*, pp. 104-5.

<sup>3</sup> Maryland Archives. Correspondence of Governor Sharpe, vol. i, pp. 77 and 97.

<sup>4</sup> Braddock's Orderly Book. (Appendix of Lowdermilk, pp. 18-19.)

	Miles.
To ye old Court House.....	18
To Mr Colemans on Sugar Land Run where there is Indian Corn, &c. ....	12
To Mr Miners .....	15
To Mr Thompson ye Quaker wh ye is 3000 wt corn.....	12
To Mr They's ye Ferry of Shan.....	17
From Mr They's to Winchester.....	23
	97 <sup>1</sup>

April 21 the General arrived in Frederick, Maryland, where he was joined by Washington, whom he had appointed his aide-de-camp. Here Braddock discovered that he needed more wagons, and Franklin undertook to supply them.<sup>2</sup>

"On the 30th of April (1755) Braddock left Fredericktown with his staff and a body-guard of light horse. Before leaving Alexandria he had purchased of Governor Sharpe a chariot, one of the cumbersome carriages of that day, and was making his journey with a great deal of style which would have been better suited to the cultivated districts of England. He quickly discovered that the road was ill-adapted to a conveyance of that character, and did not hesitate to express his opinion by damning it heartily."<sup>3</sup>

The route followed by Col. Dunbar's regiment was

	Miles.
April.	
29th. From Fredk on ye road to Conogogee.....	17
30th. From that halting place to Conogogee.....	18
May.	
1st. From Conogogee to John Evens.....	16
2nd. Rest.	
3rd. To the Widow Baringer.....	18
4th. To George Polls .....	9
5th. To Henry Enock's .....	15
6th. Rest.	
7th. To Cox's at ye mouth of little Cacaph.....	12
8th. To Col. Cresaps .....	8
9th. To Wills Creek .....	16
Total .....	129 <sup>4</sup>

<sup>1</sup> Braddock's Orderly Book. (Appendix of Lowdermilk, p. 23.)

<sup>2</sup> Governor Morris had written from Philadelphia to Governor Sharpe, "there is a very good wagon road from this city to Watkins Ferry on Potomack," probably referring to the "Monocacy Road" already spoken of. It was by this route no doubt that Franklin sent to Braddock the needed wagons.

<sup>3</sup> Lowdermilk, p. 114.

<sup>4</sup> Braddock's Orderly Book. (Appendix of Lowdermilk, p. 27.)



From Wills Creek, or Fort Cumberland, the army followed the road made by Washington in the campaign of 1754 and first blazed by Cresap and Nemacolin in 1751; but through the "Narrows" at Cumberland Lieutenant Spendelow opened a new road along the east bank of Wills Creek, crossing the creek just above the mouth of Braddock run and rejoining the old road five miles west of Cumberland. Along this new road part of the army marched.

"The difficulties of the march soon brought the General to appreciate the apprehension of Washington; the steep mountains, rocky roads, and ugly ravines incident to this new country were all beyond his anticipations. It became necessary to double up the teams in order to pull the wagons up the rough grades; in some instances even this was impracticable, the seamen being obliged to draw them up by means of ropes and pulleys. Not more than three or four miles a day could be made and in order to avoid a further delay, where already weeks of precious time had been lost, Braddock eventually yielded to Washington's advice and sent back many of his wagons, taking the animals for packhorses, and transporting his stores in the only practicable manner."<sup>1</sup>

#### ROAD FROM FORT FREDERICK TO FORT CUMBERLAND.

After the erection of Fort Frederick had begun in 1756, the necessity of a short route from Fort Frederick to Fort Cumberland soon became apparent. Governor Sharpe favored it,<sup>2</sup> and upon the failure of the army to perform the work, he brought the necessity of constructing this work before the Assembly. In December, 1758, after the capture of Fort Du Quesne, a committee was ordered to inquire the cost of connecting Fort Frederick and Fort Cumberland by a wagon-road and their report was as follows:

"Your committee<sup>3</sup> have made an Enquiry into the situation of the present wagonroad from Fort Frederick to Fort Cumberland, and are of the opinion that the distance by that Road from one Fort to the other is at least Eighty miles, and find that the wagons which go from one Fort to the other are obliged to pass the Potowmac River twice, and that for one third of the year they can't pass without boats to set them over the river.

<sup>1</sup> Lowdermilk, pp. 138-9.

<sup>2</sup> Maryland Archives. Correspondence of Governor Sharpe; vol. ii, p. 206.

<sup>3</sup> Assembly Proceedings, Dec. 15, 1758, p. 74.

"Your committee<sup>1</sup> have also made an Enquiry into the condition of the Ground where a road may most conveniently be made to go altogether upon the North Side of the Potowmack, which will not exceed the distance of Sixty-two miles at the expense of 250 lbs. current money as may appear from the following Estimate, viz.:

"An Estimate of the Expense of clearing Road from Fort Frederick to Fort Cumberland, and the Several Different Stages:

For clearing from	£	s.	d.
Fort Frederick to Licking Creek, 3½ miles.....	0	0	0
Licking Creek to Praker's Creek, 8½ miles.....	12	0	0
Praker's to Sideling Hill Creek, 12 miles.....	16	0	0
For a bridge over Sideling Hill Creek.....	60	0	0
Sideling Hill Creek to Fifteen Mile Creek, 4 miles...	22	0	0
Fifteen Mile Creek to Town Creek, 15 miles.....	140	0	0
Town Creek to Col. Cresaps, a good road, 4 miles...	0	0	0
Col. Cresaps to Fort Cumberland, wants clearing, 15 miles .....	0	0	0
	<hr/>	<hr/>	<hr/>
	250	0	0

"Your committee are of the opinion that a road through Maryland will contribute much to lessen the expense of carrying Provisions and warlike stores from Fort Frederick to Fort Cumberland, and will induce many people to travel and carry on a trade in and through the Province, to and from the back country."

Governor Sharpe and the Assembly for some time disagreed concerning this and other appropriations, but the new road was finally authorized. More significant than its timely construction, however, is the fact that the utility, and indeed, the necessity of an easy communication between the Ohio country and the East was popularly understood even at that early date. The cardinal importance of this idea, though forgotten by many, was ever present to Washington, and to him, perhaps more than to any one else, was due the ultimate attainment of a great highway across the Alleghanies.

## INTERNAL IMPROVEMENT AND LATER HIGHWAY LEGISLATION.

In Maryland the period intervening between the French and Indian War and the Revolution was a time of intense political excitement. The passage of the Stamp Act called forth many champions

<sup>1</sup> Assembly Proceedings, Dec. 15, 1758, p. 74.



of the colonial rights, among whom was the younger Dulany, whose "Considerations on the Propriety of Taxing America" was often quoted by the elder Pitt in his speeches in defense of the colonies.<sup>1</sup> Hardly had this excitement been allayed by the repeal of the obnoxious legislation when local, but no less bitter, controversies arose to absorb the public interest until differences at home were at last merged in the greater issues of the Revolution.

Under these circumstances it is remarkable that time was found to initiate a policy of internal improvement which was interrupted, indeed, by the Revolution, but which afterwards was steadily pursued until the development of the steam railroad.

#### CANAL SCHEMES.

The pre-revolutionary period was productive of ideas rather than of accomplishments. The project of extending commercial intercourse by artificial waterways was not a novel one. A canal to cross the Eastern Shore peninsula had been proposed in the days of Augustine Herrman, but after his death the scheme seems to have been abandoned. Canal schemes were revived, however, in the decade preceding the Revolution. In 1768, Sir Henry Moore planned a canal for the Mohawk Valley in New York; the next year Richard Henry Lee laid before the Assembly of Virginia a similar proposition in regard to the Potomac,<sup>2</sup> and a year later investigations were made under the authority of the American Philosophical Society with a view to opening water-communication between the bays of Chesapeake and Delaware.<sup>3</sup>

<sup>1</sup> Tyler. *The Literary History of the American Revolution*, vol. i, pp. 111ff.

<sup>2</sup> Chevalier. *Histoire et Description des Voies de Communication aux États Unis*, vol. i, p. 131. Paris, 1840. The idea of improving the navigation of the Potomac had originated with George Washington as a result of the acquaintance with the character and resources of the Ohio country which he had gained during the French and Indian War. After the Revolution the matter was again urged by Washington, and the "Potomac Company" formed—an event of great significance for the future national development. (Acts of Assembly, 1784, chap. xxxii.)

Almost contemporaneous was the incorporation of the Susquehanna Company for the purpose of making that river navigable. (1783, chap. xxix.)

<sup>3</sup> Trans., o. s., vol. i, Philadelphia, 1770.

## HIGHWAY LEGISLATION.

It was, however, to highway rather than to canal improvement that the Assembly of Maryland directed their attention. Hitherto the legislation regarding highways had been comprehended in two or three fundamental laws variously amended and supplemented, but from 1765 on, one is confronted with a continuous increase in the number of road-laws mainly due to the growth of population; the divergence in the needs of different sections of the state, making uniformity no longer practicable; and the demand for improved and shortened roads. To present in detail all the laws enacted as a result of these influences is neither necessary nor profitable, and surely not interesting. In the complexity of subsequent legislation, however, it is possible to distinguish certain general ideas or principles in accordance with which a classification such as the following may be adopted:

1. Laws regarding single roads.
2. Laws regarding groups of roads.
3. Legislation for separate counties.
4. General legislation for the state.
5. The development of the turnpike system.
6. Legislation for the National Road.

The first four divisions relate especially to legislation near the close of the eighteenth century, while the fifth and sixth are more closely associated with the development at the beginning of the present century. The latter will be discussed at somewhat greater length.

## LAWS REGARDING SINGLE ROADS.

The laws concerning single roads began with the passage in 1765 of an act<sup>1</sup> to establish a road from Hunting Creek in Dorchester county to Dover in Talbot county; in 1774 followed an act<sup>2</sup> requiring the justices of Somerset county to appoint persons to lay out a road from the Free School in Somerset county through the forest to Denton's Dams, there to intersect the main road leading from Princess Anne to Snow Hill.

<sup>1</sup> Chap. xv.

<sup>2</sup> Chap. xxv.

Unless otherwise indicated references are to Acts of Assembly.

After the Revolution, the number of laws of this sort steadily increased; it is possible, nevertheless, to distinguish some differences in kind which may be best illustrated by a few examples.

The first includes laws for roads which at the present day would be considered private roads. Six acts of the year 1783 exhibit this peculiarity. These provide for a road from the windmill and dwelling of Nathaniel Manning, of Dorchester county;<sup>1</sup> a road from John Goff's Mill in Frederick county;<sup>2</sup> a road from Dr. Ephraim Howard's tilting-forge at Elkridge;<sup>3</sup> the fourth a road from William Matthew's Mill in Baltimore county;<sup>4</sup> in these four cases to the nearest main road; a public road in Baltimore county, to form a cross-connection between two main roads;<sup>5</sup> and another mill-road in Dorchester county."<sup>6</sup> For each of these a separate law was enacted.

Page after page of the statute-books is filled with these laws concerning roads to mills, plantations, churches, iron-works, forges, and many other places of a special or individual character. In cases where the new roads were especially advantageous to individuals those so benefited were usually made responsible for their preservation and repair.

Another class of laws relates to the construction of more important roads. These sometimes connected a town with some previously existing highway. In 1782, for example, the construction of a main road was authorized "from Elizabethtown [Hagerstown], in Washington County, through Charlton's Gap in the South Mountain, on a strait line, till it intersects the road leading from Frederick-town to York-town in Pennsylvania," which "would facilitate the carriage of produce" from the western country to Baltimore, "by which means the subjects of this State would be better enabled to pay their taxes, and would increase the trade of the State in general."<sup>7</sup>

Other roads connected a town with a watercourse. Such a road was the highway from the town of Talbot in Talbot county to Cow Landing, on Third Haven Creek, for which provision was made in 1787.<sup>8</sup>

<sup>1</sup> 1783, chap. v.      <sup>2</sup> Chap. vi.      <sup>3</sup> Chap. xv.      <sup>4</sup> Chap. xi. Nov. Session.

<sup>5</sup> Chap. xii, Nov. Session.

<sup>6</sup> Chap. xiv, Nov. Session.

<sup>7</sup> Chap. xli. April Session.

<sup>8</sup> Chap. xxiv. December Session.



Still others joined one town with another. In 1796 a committee of gentlemen from Prince George's and Queen Anne's counties and Annapolis was appointed to examine the country between Washington and Annapolis and to ascertain the best route for a road to connect the two cities.<sup>1</sup> The next year, 1797, other commissioners were authorized to lay out the road as reported, at the expense of the two counties.<sup>2</sup>

In a third group may be classed laws establishing or recognizing as public highways roads previously existing. In 1792, the road "from time immemorial" leading from Baltimore to Frederick by Dillon's Fields, Ellicott's Upper Mills, Cumming's new buildings, Fox's the Red Horse Tavern, Cook's Tavern, and Poplar Spring, was definitely established as a public road.<sup>3</sup>

To a fourth class may be assigned a few laws regarding two roads that marked the boundary line between two adjoining counties. In 1792<sup>2</sup> certain commissioners, three from Dorchester county and two from Caroline county, were appointed to open a main road and change the old road, formerly the divisional line of the two counties, the new road to serve the same end. In 1801 certain<sup>4</sup> similar changes were made in the divisional road between Somerset and Worcester counties.

In a fifth class may be included those laws which refer to roads constructed at a later date to serve as cross-connections between lines of turnpike roads. Such a road was authorized by an act of 1799<sup>5</sup> to run from Widow Mortar's tavern on Hanover turnpike by George Kerlinger's mill and Hoofman's grist and paper-mill to Benedict Hunt's tavern on the York turnpike.

Laws relating to roads of a chiefly historical interest may form a sixth class. Such was the old Monocacy road, which is the subject of one act of 1789.<sup>6</sup> The same provision was made for the repair of the road from Port Tobacco to Leonardtown, one of the oldest roads in the state.<sup>7</sup>

Finally, in a seventh class, may be mentioned the post-roads, particularly the main road between the North and the South, which required not a little legislation. In 1787 commissioners were ap-

<sup>1</sup> Chap. xci.

<sup>2</sup> Chap. xxxv.

<sup>3</sup> Chap. xix.

<sup>4</sup> Chap. vi.

<sup>5</sup> Chap. liv.

<sup>6</sup> Chap. vii. December Session.

<sup>7</sup> Chap. xii.

pointed to open and amend the post-road from Havre de Grace to Baltimore-town, and to erect a toll-bridge, for which they might pay by collecting money by private subscriptions, or by a lottery, or by pledging the tolls to be collected.<sup>1</sup> That this legislation was not as successful as might have been hoped will appear hereafter.

Very similar to the legislation for single roads and, therefore, appropriately included under the present heading, is that concerning bridges. These laws, of which it is unnecessary to give specific examples, made provisions for bridges of varying kinds and importance. Some acts order the erection and repair of necessary bridges by the counties in which they are situated; others confer charters for bridges upon private persons or upon corporations.

The constant interference of the General Assembly in these private and often unimportant cases is to be explained by the limited powers of the County Courts. As the counties, one by one, obtained separate laws, the powers of their courts were greatly increased, and the burden of the legislature correspondingly lightened. This subject will be more appropriately treated under a later head.

#### LEGISLATION FOR GROUPS OF ROADS.

The first movement towards the improvement of the material and bed of the roads in Maryland was expressed by legislative provision for the construction or repair of groups of important market roads.

In 1774, "an improvement of the principal Market Roads in the Counties of Anne Arundel, Baltimore, and Frederick," would, it was thought, "render the Intercourse and Carriage between the Parts of the Province distant from Navigation, and the Places from whence the produce of those parts were and might be most conveniently exported, much easier and cheaper, whereby Trade would be increased and the Settlement, Cultivation and Improvement of Lands would be encouraged and promoted." Part of the bills of credit to be issued in pursuance of a previous act was therefore appropriated for a loan to the inhabitants of Anne Arundel, Baltimore and Frederick coun-

<sup>1</sup> Chap. xxix. Slight changes were made by acts of 1791, chap. xxxi, and 1796, chap. lviii; and the act of 1800, chap. lx, altered the course of the road between Bladensburg and Washington.



ties, in sums not exceeding \$2,000, \$10,666.66, and \$8,000 for these counties, respectively, "towards opening, straightening, widening, repairing and putting in order the following roads, viz.:

"The road leading from the mouth of Conococheague Creek to Frederick Town, crossing the South Mountain at the Gap commonly called Turner's Gap, the road from Hagerstown to intersect the said road at or near the Western Side of the South Mountain.

"The road from Frederick-Town leading by Dowdens to George-Town.

"A road from the mouth of Watts Branch to George-Town aforesaid.

"The road from Frederick-Town leading over Rues Ford on Monocasy and crossing Patuxent River at Green's Bridge to Annapolis.

"The road from Frederick-Town leading over the said Ford over Monocasy, and crossing Patapsco at or near Hoods Mills to Baltimore-Town.

"A road leading from the Catoctin Mountain through the Pipe Creek Settlement by Roysters (Reisters-town) to Baltimore-Town aforesaid.

"The road from Roysters to Hanover as far as the Province Line.

"These roads are divided into eleven districts, for each of which three supervisors are appointed and the maximum amount thereon to be expended definitely fixed. The supervisors are to employ laborers or to contract with others to do the work, and draw their orders on the Commissioners for emitting Bills of Credit, for the money to be expended.

For the repayment of the Bills of Credit, the Sheriffs of the respective Counties are to collect per annum—

In Anne Arundel..... 4 lbs. of tobacco

In Baltimore .....12 lbs.

In Frederick ..... 8 lbs.

from each taxable inhabitant, and are to sell the same in August of each year in open court.

The supervisors are to have the roads well cleared, grubbed and stoned, 40 feet wide—except the road leading to Annapolis, which is to be 30 feet wide—and cause all necessary bridges and causeways to be made, and trenches and ditches to be cut for draining off the water. The roads when completed are to be public roads."

A peculiar provision is that "in the middle of the Watts Branch—George-Town road, until it intersects the Frederick-George-Town road, large posts shall be well set up in sight of and not exceeding 100 yards distance from each other. When this road is finished, no wagon or carriage of burthen with wheels of a less tread than 5 inches, shall pass upon the part of this road that lies to the *North* of the posts erected, under a penalty of 20s. current money.

The supervisors are empowered to call for a jury of condemnation to assess the value and damages of improved land through which, in their estimation, it is necessary for the road to pass."<sup>1</sup>

A law of 1787<sup>2</sup> provided that several turnpike roads should be laid out in Baltimore county. One of these was to go toward Frederick

<sup>1</sup> 1774, chap. xxi.

<sup>2</sup> Chap. xxiii.



FIG. 1.—BREAKING STONE BY HAND, WASHINGTON COUNTY.



The Friedenwald Co.

FIG. 2.—HAULING WITH TWO-WHEEL OX-CARTS, PORT TOBACCO, CHARLES COUNTY.

SURVIVALS OF EARLY ROAD-METHODS.



Town; one to Reisterstown, branching there in one direction to Winchester Town [Westminster ?], and in another to Hanover, Pennsylvania, and a third road was to go to York. For some time, however, little progress was made on these roads and, as they were really turn-pike roads, a detailed treatment of them may be left to a later section.

In 1790 some of the principal market and post-roads in Cecil, Baltimore, Montgomery, Frederick and Washington counties were thought to be "very indirect, much out of repair," and to require considerable improvement. Therefore, an act<sup>1</sup> was passed to improve the following roads:

(1) From Susquehanna Lower Ferry to the Ford at the Furnace, thence to Charlestown, thence to the bridge at the head of North East, and thence through Elk-town towards Christiana to the Delaware line [the Post Road].

(2) From the head of Elk to Rock Creek, to head of Bohemia, to Warwick, to head of Sassafras.

(3) From Baltimore Town, westward of Randallstown through the "barrens" of Baltimore County towards Liberty-Town as far as the Frederick County Line, thence to Frederick, crossing the Monocacy at the Ferry next above the mouth of Israel's Creek.

(4) From the end of Patrick Street, Frederick, crossing the Washington County Line by Peter Bainbridge's, to Elizabeth-Town [Hagerstown].

(5) From Middletown to Williams-port, by way of Turner's Gap.

(6) From Williams-port to Elizabeth-Town.

(7) From Elizabeth-Town through Charlton's Gap in the South Mountain, to Liberty-Town, nearly intersecting the road from Baltimore.

(8) From Elizabeth-Town to Hancock-Town.

(9) From Frederick over Rice's Ford on Monocacy by Hobbs, through Baltimore County to the line of Anne Arundel, to meet the turnpike to Frederick provided for by the law of 1787.<sup>2</sup>

(10) From Frederick to Harper's Ferry.

(11) From Frederick to Georgetown.

(12) From Georgetown to the mouth of Monocacy, thence to the Court House of the said County.

(13) From Elizabeth-town to the Pennsylvania Line, in Nicholson's Gap.

To cover the expense the Justices of Cecil, Frederick, and Washington Counties, were to levy not more than 3s. 9d. on every £100 of assessable property, and the Justices of Montgomery County, not more than 2s.<sup>3</sup>

The next year, 1791, witnessed the enactment of several "group" laws, of which the most important was that "to strengthen and amend

<sup>1</sup> Chap. xxxii.

<sup>2</sup> Chap. xxiii.

<sup>3</sup> See laws of 1791, chap. lxxxii; 1793, chap. xl; 1795, chap. xxviii; 1797, chap. xxix; 1798, chaps. xxxii, xlix; 1799, chap. xxxii; 1800, chap. xxii, all of which in some way modify this act.



the public roads in Harford county, and for other purposes." This act provided for the roads specified as follows:

(1) From the Pennsylvania Line at the intersection of the road from Peach Bottom Ferry over the Susquehanna, to Thomas Underhill's mill on Deer Creek.

(2) From Bald Friars Ferry to Belle Air, thence towards Baltimore, to the Baltimore County Line at the Little Falls of Gunpowder.

(3) From Belle Air to Lower X Roads, thence to Smith's Ferry on the Susquehanna.<sup>1</sup>

In 1793 five commissioners were appointed to lay out several roads from Denton, the seat of justice of Caroline county, to different parts of that county,<sup>2</sup> to be added, when completed, to the public roads.

These "group" laws seem to mark a transitional stage in the highway legislation of the state. As they anticipated the turnpike laws in requiring improvement of the road-beds, so they were in some cases closely allied to county laws. The two laws last cited exhibit this characteristic. In these cases the Legislature seems to have wished to give to the county a start by the construction of the more important roads, leaving the future care of them to the county. But with the establishment of complete county road-laws and the development of the turnpikes, the necessity for this class of legislation appears to have passed away, and few examples of "group" laws of any importance are to be found.

#### LEGISLATION FOR SEPARATE COUNTIES

After the French and Indian War, the rapidity with which the settlements increased in northern Maryland soon made that section one of the most prosperous in the Province. As was indicated in the preceding division, the "principal market roads," for which special provision was first made by a "group" law, lay, to a large extent, in Baltimore county. So, eight years before, the need of an improvement of local transportation in Baltimore county led to the passage of the first county law.

<sup>1</sup> Chap. lxx. Other "group" laws passed in 1791 were, chap. xxx for certain mill roads in Baltimore county; chap. liii for certain roads in Anne Arundel county.

<sup>2</sup> 1793, chap. liv.

In 1766<sup>1</sup> the inadequacy of the laws for the maintenance of highways in Baltimore county was recognized, and the justices were authorized to appoint as many overseers as they thought necessary, and these were empowered to hire a sufficient number of laborers for the repair of the roads. To cover the expense a tax of 10 lbs. of tobacco per poll was laid upon all the taxable inhabitants of the county, besides the sheriff's salary of 6 per cent for collection.

The overseers were to receive 6 lbs. of tobacco per day and render accounts to the justices. Carts or wagons loaded with iron ore should not pass within five miles of the iron-works to which they belonged, except when starting upon or returning from a longer journey, unless the felloes of their wheels were five inches broad at the least. No new gates were to be erected on or over any public road where then there were none.

This act, it will be observed, substitutes in Baltimore county the employment of hired labor paid for by a fixed tax for the compulsory attendance required by the earlier general law. It is notable, also, as the beginning of separate legislation for the different counties; since its enactment a permanent general system has not prevailed.

The counties of Anne Arundel and Frederick were provided with separate laws by one section of the act of 1774<sup>2</sup> mentioned above. The overseers and taxables in these counties were made chargeable to labor upon the highways, generally for not more than six months in each year. It was made permissible, however, for any one personally chargeable, or responsible for others, to employ substitutes, and such substitution was made imperative in the case of "every female negro for whom he [the master] shall be chargeable." It is curious that special provision was made for eight-hour labor.

When, after the Revolution, the state returned with vigor to the development of its natural resources, the necessity for the improvement of local communication became urgent. Consequently the tendency to separate legislation heralded by the acts to which reference has been made becomes more and more apparent. In 1791<sup>3</sup> the Jus-

<sup>1</sup> Chap. xxxii. An Act for Amending and Repairing the Public Roads in Baltimore County.

<sup>2</sup> 1774, chap. xxi.

<sup>3</sup> Chap. lxvi.

tices of Cecil county were empowered to "streighten and amend" the public roads, to appoint commissioners to inspect them, and to levy not more than 2s. 6d. current money for the first year, and not more than 1s. 6d. for succeeding years, on every £100 of assessable property in the county. They were to pay the proceeds thereof to the commissioners, who should, within four months, lay out, etc., the roads for which they were appointed, and return plats of the same, receiving for their service a reasonable compensation.

The Court is to agree for necessary land at a rate not exceeding £3 per acre; if such agreement is impossible, there shall be issued a warrant to the sheriff to summon a jury of condemnation, of 12 freeholders. The Commissioners are given power to appropriate funds, and if expedient, to accept the substitution of labor for the payment of the tax. The Justices are empowered to appoint one or more supervisors to superintend, direct and contract for the making of the roads. Every supervisor has to bond for at least double the amount for which he is responsible, and is to render an account to the Justices yearly, receiving 9s. 6d. per diem of actual employment.

The Commissioners are given power to contract in writing with any person or persons for the necessary bridge or road-building. The provisions of the "group" law of 1790<sup>1</sup> are repealed so far as they relate to Cecil county.

The complications of this method of highway administration may account for its modification two years later. In 1793<sup>2</sup> the annual tax for Cecil county was raised to 3s. 9d. on every £100, the commissioners were dispensed with, and their powers were transferred to the supervisors appointed by the court. Meanwhile similar laws were enacted for Harford<sup>3</sup> and Queen Anne's counties.

### *Attempts at Uniformity.*

The next year, 1794, witnessed an important attempt to satisfy the various wants of the counties in one law by prescribing uniform methods of administration, with different rates of taxation.<sup>4</sup>

The existing laws regarding road management were characterized as "inadequate, partial and unjust," and the Justices of Peace in the respective counties were authorized to levy on each £100 of property, as follows:

<sup>1</sup> Chap. xxxii.

<sup>2</sup> 1791, chap. lxx; 1793, chap. lxxv.

<sup>3</sup> Chap. lxxiii.

<sup>4</sup> 1794, chap. lii.



In Baltimore county,	not more than	1 s. 3 d. annually.
" Talbot	"	3 s. 6 d. "
" Somerset	"	1 s. 6 d. "
" Cecil <sup>1</sup>	"	3 s. "
" Prince George's county	"	3 s. 9 d. "
" Queen Anne's	"	3 s. "
" Frederick	"	3 s. 9 d. "
" Harford	"	3 s. 9 d. "
" Caroline	"	2 s. 6 d. "
" Montgomery	"	2 s. 6 d. "
" Allegany	"	3 s. 9 d. "
" Kent	"	2 s. 6 d. "

The Justices may permit the substitution of labor at the regular rate for payment of the tax. They shall make out lists of taxables in each hundred of the county, and shall furnish the Collector with copies thereof.

Upon the application of two-thirds of the inhabitants of the hundred through which any road passes, the Justices shall appoint as Commissioners three disinterested persons, to alter or straighten the roads not more than 40 feet wide clear of ditches. In case of disagreement as to the value the Sheriff shall by warrant summon the usual jury of 12 men to assess damages. The Justices shall appoint supervisors who shall give bond for the performance of their duties. The laws of 1704 and 1753 are repealed, as regards these counties. The acts of 1791 for Cecil county and 1793 for Queen Anne's county are repealed; but so much of the acts of 1787 and 1790 as relates to Baltimore county is not repealed.

This act of 1794, though professedly an attempt at uniformity, admitted an exception to the general law by superimposing, in Allegany county, the old plan of compulsory labor upon the new methods of a fixed county tax. Any person summoned might, however, compound at the rate of 3s. 9d. per diem, and complete exemption from labor might be obtained by the annual payment of 15s. current money.

The next year the provisions of this law were extended<sup>2</sup> to Anne Arundel and Washington counties, as they had "proved beneficial" in the others.

The rates to be levied in certain counties were changed as follows:

Baltimore	5s.
Somerset	2s.
Cecil	6s.
Kent	3s. 6d.

<sup>1</sup> Special provision is made that one-third of the money levied on the inhabitants on the east side of Elk Run shall be expended on the same locality.

<sup>2</sup> Chap. xliii.



The Justices of Baltimore, Cecil, Montgomery, Washington, Talbot, Prince George's, Kent, Somerset, Frederick and Anne Arundel were given full power to contract for roads, etc., and to appoint persons to review them when finished.

The provision in the former act as to the distribution of the taxes is repealed as is also the "group" law of 1790<sup>1</sup> authorizing the Justices of Montgomery county to levy a tax of 2s. on every £100. This power is now transferred to the Levy Court. Since a sufficient number of hands cannot be hired in Queen Anne's and Caroline counties, supervisors in these counties are authorized to require as many male slaves as may be necessary; but not more than one-half of the number of slaves belonging to one person are to be summoned the same day. Other unimportant particulars follow.

### *Reaction towards Separate Legislation.*

By these two acts a degree of generality was given to the law, which now applied to all the then existing counties except St. Mary's, Charles, Calvert, Dorchester and Worcester. The chief characteristic of the law as now in effect was, as has been seen, the substitution of a regular property tax for compulsory labor on the highways. One would naturally expect to find the remaining counties adopting this method, but the exact opposite is the case, for in the following year Somerset county drops out, and, with Worcester, goes back to the law of 1704 with its supplements.<sup>2</sup> The system provided is more detailed but the principles are the same. Apparently the change was not immediately successful, as the law regarding Somerset county was modified four times within the next five years.<sup>3</sup> The same year<sup>4</sup> some alterations were made also in the existing provisions for Cecil, Talbot and Kent counties.

In Cecil additional provisions were made concerning the assessment of damages when new roads were opened. In Kent and Talbot it was found that a sufficient number of hands could not be hired at reasonable wages to repair the public roads, which, therefore, remained in bad condition, while the supervisors were subjected to a fine for neglect. The latter were consequently empowered to require of owners as many able-bodied slaves as might be necessary to work on the roads.<sup>5</sup>

<sup>1</sup> Chap. xxxii.

<sup>2</sup> 1796, chap. lix.

<sup>3</sup> By the acts of 1797, chap. lxxxiv; 1798, chap. xxxviii; 1799, chap. v; 1801, chap. lxxxiii.

<sup>4</sup> 1796, chap. lx.

<sup>5</sup> By the same act the power of contracting granted the courts in these three counties by the supplementary act of 1795 is extended to roads laid out prior to the passage of that act.

A year later the law for Talbot county is again changed,<sup>1</sup> the present modes being "too expensive."

The Justices of the Peace are to meet, and in a well-bound book set down what are the public roads of Talbot county, and nominate overseers, not more than five in each hundred. A fine of \$10 is provided for refusal to act as overseer, but no member of the legislature, magistrate, preacher or teacher, nor practicing attorney, nor physician, nor commissioner of the tax, shall be liable to such service, nor shall any one be liable to serve more than once in three years. Fines for non-performance of duty are provided, and after April 1st following, all former acts respecting Talbot county are repealed.

In 1798 Caroline county<sup>2</sup> also returned to the labor system, by which every free male inhabitant over twenty-one years of age was made to serve in road-repairing. So Kent county, which, it has been shown, began in 1794<sup>3</sup> with the property tax system, changed the rate in 1795,<sup>4</sup> and in 1796<sup>5</sup> added compulsory slave labor, now, in 1799,<sup>6</sup> goes over entirely to the labor system.

The overseers appointed yearly by the Justices are authorized to call upon all free male inhabitants between the ages of 20 and 50 and upon all male servants and slaves over 16 to labor upon the highways. The overseers are given power to contract, etc., and the Justices, to turn old roads upon application. Not more than one-half of the males of any family are to be called on at one time, but all persons are to be summoned.

The details of the provisions of this act, the fourth respecting Kent county in half a dozen years, might lead one to suppose that some progress had at last been made towards stability in road legislation; but the exact opposite was the case. The very next year, 1800,<sup>7</sup> the whole system was again modified.

"The present law has been found to bear very unequally on the citizens."

An assessment of 40 cents on every £100 of property is to be made, and the supervisors are to require of the owners of slaves as many as they deem necessary. For the payment of the tax, labor may be substituted.

The various county laws have now been carried with some detail from 1766 to the end of the century, and an increasing tendency to diverge from the general law has been shown which is plainly due

<sup>1</sup> 1797, chap. lxiii.

<sup>2</sup> Chap. xvi.

<sup>3</sup> Chap. lii.

<sup>4</sup> Chap. xliii.

<sup>5</sup> Chap. lx.

<sup>6</sup> Chap. lxxxi.

<sup>7</sup> Chap. lviii.

to the difference in local conditions and needs. Occasional attempts at uniformity are apparent, but the instability of these attempts is equally clear. It is evident, however, that there are two main though conflicting ideas in the legislation of this period: (1) The plan of raising money for road-repair by a general property tax, and the appropriation of such funds to the hire of labor upon highways; (2) compulsory labor, whether of freemen or of slaves.

It would be quite possible to discuss this county legislation to the present time, treating specifically each alteration and amendment of every law for every county. Such a treatment would, however, be extremely unprofitable, as it would deal chiefly with repeals and repetitions of very similar laws.<sup>1</sup> But while the provisions for the care and repair of roads, the appointment of supervisors, the collection of funds, etc., are constantly changing, a certain progress towards generalization is seen in the increased powers given to the various county commissioners in regard to the opening, changing, and closing of roads upon petition. That such powers should be granted was a matter of necessity. The legislation in regard to single, private roads, unimportant from a general standpoint, was extensive at an early period. As population increased the demand for new roads became greater; and the Assembly seemed in danger of being overburdened with the mass of road-legislation required. It was not long, therefore, before the powers of the county courts were enlarged, while efforts were made to check the demands upon the Assembly's time by regulations as to petitions for roads, compelling persons applying for roads of a personal or private nature to give notice thereof in the newspapers, or by advertisement on the Court-house door, for four weeks previous to such application.<sup>2</sup>

The extension of the powers of the county commissioners was at first confined to particular counties. In 1796,<sup>3</sup> for example, the levy courts of Somerset and Worcester counties were authorized to direct the surveyors of their respective counties to lay out new roads upon

<sup>1</sup> With the exception, of course, of compulsory slave labor.

<sup>2</sup> 1813 Resolve, No. 8.

<sup>3</sup> 1796, chap. lix.



the application of all the owners of the land through which the new road must pass.<sup>1</sup>

The discussion of the general extension of the powers of the county commissioners must be deferred to the following chapter on General Legislation. Meanwhile, it should be borne in mind that the lack of uniformity to-day in provisions for the management of county roads is no new thing, but dates back to colonial times, and has resulted from the various causes described in the first part of this chapter.

#### GENERAL LEGISLATION.

The first road-law under the newly erected state government was passed in 1779,<sup>2</sup> while the Revolution was still in progress. This, an "Act relating to public roads," established new fines: for neglect of duty by overseers, £100; for refusal of laborers to work, £5; or refusal of masters to send servants when summoned, £5. It also repealed the exemptions to iron-workers granted by previous laws.

This act, with the earlier act of 1704,<sup>3</sup> variously modified and extended, remained for some time the general highway law of the state, and included provisions for all counties unprovided for by special enactment. There were also sundry attempts to harmonize the various needs of the counties in one law with special tax-rates; but these attempts, as has been indicated, were fruitless, because it was impossible to get all the counties to accept either the fixed road-tax, or the system of compulsory labor upon the highways.

#### *Extension of the Powers of the County Courts.*

Mention has been made of the extension of the powers of county courts relative to the opening and closing of roads, etc. It was along this line that general legislation again became practicable. Accordingly, the attempt to secure complete uniformity was relinquished,

<sup>1</sup> The power of altering old roads, upon petition of two-thirds of the inhabitants of a hundred, was conferred upon many of the county courts by 1794, chap. lii, which see.

<sup>2</sup> Chap. xiv.

<sup>3</sup> The law of 1704, as modified by 1723, 1753, etc. (which see) was frequently continued. See 1785, chap. lxxvii; 1795, chap. xxxvii; 1789, chap. lxxv; 1798, chap. lxxi.



and the counties were given as much special legislation for the care and repair of their roads as they desired, while the provisions concerning the powers of the county courts, or commissioners, in regard to opening new roads, etc., were eventually embraced in a general law. In 1818<sup>1</sup> the county courts, except in Worcester county, were empowered upon petition of any person interested in opening, straightening, or shutting up a public road, to issue a commission to three freeholders to examine whether the public convenience requires it.

After giving notice, these may decide, upon oath, for or against the road. The Court is to pass judgment if no objection is presented, and a trial by jury is authorized in cases where objection is made. The commissioners are to ascertain the damages, subject to the order of the Court, which is to determine whether they shall be paid by the petitioners, or by the county, or in proportion by both. The Levy Court is to levy money for the roads adjudged to be opened, etc., and for the damages, and is to cause the said road to be opened, etc. Such roads are to be thereafter public roads.

In 1853 there was substituted for the law of 1818 a much more detailed act,<sup>2</sup> which, with an act of 1856,<sup>3</sup> formed the basis of the code of 1860,<sup>4</sup> and this, in turn, with the addition of laws of 1874<sup>5</sup> and 1888,<sup>6</sup> constitutes the present law on this subject as contained in the Public General Laws.<sup>7</sup>

### *Penal Legislation and the Roads.*

There remains a class of legislation for some time closely connected with that concerning highways. A penal statute of 1788<sup>8</sup> authorized the erection of a new Court of Oyer and Terminer and Gaol Delivery in Baltimore county. This Court was ordered to condemn any person convicted of the crime therein specified, and also any vagrants, to labor upon the roads in Baltimore county. The general court and the various county courts, also, were authorized to sentence persons convicted before them of the same crimes and misdemeanors to the same penalty of labor upon the roads in Baltimore county, the expense of their transportation to Baltimore being borne in the former case

<sup>1</sup> Chap. lxxxix.

<sup>2</sup> 1853, chap. ccxx.

<sup>3</sup> 1856, chap. cccviii.

<sup>4</sup> Public General Laws (1860) art. 28.

<sup>5</sup> 1874, chap. cccxi.

<sup>6</sup> 1888, chap. cccclxvii.

<sup>7</sup> Public General Laws, art. 25.

<sup>8</sup> Chap. xi.

by the state, in the latter by the county so passing sentence. In addition the county courts were authorized to sentence criminals to labor upon the roads of their own county, making such provision for their care and expenses as they might see fit.

This act seems to have been put into practice chiefly in Baltimore county, where the convicts were put to work on the main roads of the county. The turnpikes undertaken by Baltimore county were, to a large extent, constructed by their labor, as appears from the accounts published from time to time by the commissioners of the roads. By a resolution adopted at the session of 1807,<sup>1</sup> the Justices of the Levy Court were authorized to apply the whole, or the necessary part, of the dividend received by them from the Baltimore and Frederick, and the Baltimore and Reisterstown roads, to the support of the convicts working upon the roads. Two years later<sup>2</sup> any male convict heretofore condemned to labor on the roads was allowed to pray the court to commute his sentence to confinement in the penitentiary.

When the turnpikes were surrendered by the county to private corporations, the convicts were transferred to the principal county roads. In 1810, for example, they were divided into two lots, one-half to work on the Liberty road, and the other half on the Bel Air and the Philadelphia post-road.<sup>3</sup> Upon the further development of the penitentiary system this method of road-construction was abandoned.

### *Private Roads.*

The laws treated above referred exclusively to public roads, and for a long time private rights-of-way had apparently never been made the subject of legislation. In 1785,<sup>4</sup> however, an act was passed "To declare and ascertain the right of citizens of the State to private roads or ways."

"Whereas," the preamble recites, "the citizens of this State ought to have a road or way from their farms and plantations to places of public worship, mills, market-towns, public ferries and Court-houses. And such benefit ought to be enjoyed and experienced with as little possible dam-

<sup>1</sup> Resolution No. 1.

<sup>3</sup> 1810, chap. lxxxviii.

<sup>2</sup> 1809, chap. xxxviii.

<sup>4</sup> Chap. xlix.

age or injury to the lands through which such private roads or ways shall pass." The county courts on application are authorized to direct the surveyor of their county to lay out such private road, etc., not exceeding 16 feet, clear of ditches, in breadth; upon objection of any person through whose land the road may run the court may order such change as they may think desirable, shall direct the application and return to be recorded, and shall decide on the compensation due to the owners of the land through which the road is to run, which compensation shall be paid by the person or persons applying for the road. Thereupon such road is to be considered a private way, to be kept open and repaired at the expense of such person as shall use the same, and no one shall change or stop up such road <sup>1</sup> under fine of £5, current money.

In 1834 <sup>1</sup> was passed a new and more detailed law for private roads. This, together with certain provisions of laws of 1832,<sup>2</sup> 1836,<sup>3</sup> and 1839,<sup>4</sup> was embodied in the Code of 1860,<sup>5</sup> whence it has been re-enacted into that of the present day.

#### METHODS OF TRAVEL AT THE END OF THE EIGHTEENTH CENTURY.

The extracts and references in this and the preceding divisions are typical of the legislation regarding highways. To learn the results of this legislation, to discover the actual conditions of travel, other sources than the laws themselves must be consulted.

After the Revolution the maps are much more detailed than in earlier years. Griffith's map of Maryland in particular, contains indications of the more important roads, and would admit of interesting comparison with the knowledge derived from the laws, did space permit. The almanacs, which in earlier colonial days gave few facts as to the distances and routes from colony to colony, are later supplemented by detailed and exact road-maps giving every turn and twist in the road. Such a map is that of Christopher Colles, published in 1787, and entitled "A Survey of the Roads of the United States of America." Plates 51 to 62 give the roads from Philadelphia to Annapolis, the route being portrayed upon two or three plates to each page. Similar information is given by the "Traveller's Director or Pocket Companion," published at Philadelphia in 1804,<sup>6</sup> which includes a detailed description of the route.

<sup>1</sup> Chap. ccliii.

<sup>2</sup> Chap. cxcii.

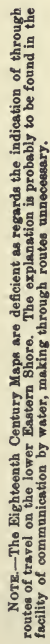
<sup>3</sup> Chap. cclv.

<sup>4</sup> Chap. xviii.

<sup>5</sup> Public General Laws (1860), art. 28, sec. 29.

<sup>6</sup> In the Map Department of the Congressional Library in Washington.









At the time of the French and Indian War, Governor Sharpe's coach-and-four was out of place upon any other than the main road through the province. In fact, before the Revolution carriages were few in number, and rarely used except in the finest weather. First-rate saddle-horses were much in demand, as the newspapers of the time plainly show. Fox-hunting and horse-racing were among the principal diversions, and the raising and importing of blooded horses received much attention. Members of the Assembly, lawyers, actors, and parsons, and indeed all to whom time was important and speed a necessity, preferred the activity of a thoroughbred to the lumbering "chariot" of these early times.

In Annapolis the use of coaches grew apace. The family coach, with its trappings and outriders, was a matter of pride in which the society of Annapolis turned out to every horse-race, or drove to Marlboro to see the latest company of players. "They have light and elegant carriages which are drawn by fine horses," is the comment of the Abbé Robin<sup>1</sup> on this phase of Annapolitan life, while Eddis writes just before the Revolution: "Our races, just concluded, continued four days, . . . and surprising as it may appear, I assure you there are few meetings in England better attended or where more capital horses are exhibited."<sup>2</sup>

#### STAGE-LINES AND STAGES.

A glimpse at the methods of transportation in Maryland towards the beginning of this century, before the turnpikes had been completed, might go far to dispel any illusions as to the "good old times," of which so much is often heard.

Stage-lines indeed there were, and had been, since 1765, in which year the first line of stage-vessels and wagons was set up to go once a week from Philadelphia to Baltimore by way of Christiana and French-town on Elk river.<sup>3</sup> In 1785 the Maryland Legislature granted G. P. Van Horne an exclusive right to keep stage-carriages

<sup>1</sup> Robin. *Nouveau Voyage dans l'Amerique Septentrionale*, p. 104 (Philadelphia, 1782).

<sup>2</sup> Eddis. *Letters from America*, p. 106 (London, 1792).

<sup>3</sup> Watson's *Annals of Philadelphia*, vol. i, p. 219.

“on the publick road from the river Susquehannah to the river Patowmack,”<sup>1</sup> and five years later Robert Hodgson and James Thompson<sup>2</sup> were granted the sole and exclusive permission to set up a stage-line from the Delaware boundary, via Chestertown, to Gresham College on the bayside in Kent county by the great public road on the Eastern Shore, and were also given a right, not exclusive, to run stages from North Point to Baltimore Town. This route seems to have been popular, though stress of weather often made delay in crossing the Bay unavoidable. These stages started regularly from Mr. Grant’s tavern in Baltimore every Monday, Wednesday, and Friday morning and at six o’clock on the same days from Mr. James Thompson’s at the Indian Queen, Fourth Street, Philadelphia.<sup>3</sup>

Another favorite route was by packet up the Chesapeake and Delaware bays, using land transportation only across the peninsula. This was a very old and popular route, perhaps because it took less time. It was not long before rival companies sprang up, one between Frenchtown and Newcastle, and the other from Cecil Court House to New-castle.<sup>4</sup>

Very many other stage-lines were afterwards opened. In 1790 one was advertised between Baltimore and Annapolis. The trip was made three times a week, the price being 10s. during the summer season including fourteen pounds of baggage.<sup>5</sup> There were also many stage-lines from the western country.

The vehicle in which one ventured upon such a journey has been minutely described. The coach “was a sort of wagon on springs, an open carriage, with a top to it made of boards; and on each side, and at the ends, curtains, to be let down, baize on the inside, and a sort of canvas on the outside, tied with leather ties to the supporters of the top, on the sides and at the bottom, catching on a sort of stud like that of a single-horse chaise apron. The coach has three seats within the carriage and one the coachman sits on before. Thus it carries twelve people, three on each seat, as two passengers ride by the side of the

<sup>1</sup> Chap. xiv.

<sup>2</sup> Chap. xxviii.

<sup>3</sup> See the newspapers of the period: *e. g.*, The Maryland Journal and Baltimore Advertiser, July 22, 1791.

<sup>4</sup> Maryland Journal and Baltimore Advertiser, March 22, 1791.

<sup>5</sup> Maryland Journal and Baltimore Advertiser, April, 1790.

coachman; but the mail-coach carries only nine passengers, the mail lying in the inside of the coach.”<sup>1</sup>

#### THE PAINS AND PLEASURES OF TRAVEL.

One advantage certainly was afforded by the vehicles of the last century—time for observation. In such a conveyance as has been described, one might travel at the rate of 4 or 5 miles in fine summer weather, but in winter often not more than one mile an hour could be made. Yet time spent in this manner was certainly not disagreeably employed, for many picturesque scenes would present themselves to the traveler. Seated in such a conveyance, he might be entertained as was one gentleman in his journey through Maryland, on a Sunday morning a century ago, at the sight of girls riding to the parish church nearby, escorted by a negro boy perched behind one of the fair equestriennes, for whom he jumped down every few minutes to open the numerous gates that barred the road, and then nimbly resumed his seat without any detention of the party.<sup>2</sup> On a working day one might meet a long procession of horses, mules, or, more probably, oxen, dragging hogsheads of tobacco by pivots driven into each end and shafts attached.<sup>3</sup>

At another turn in the road one might barely escape collision with a monstrous family coach, escorted by gorgeously-liveried outriders, and proceeding on its journey with more style than comfort to its occupants. Again, there is need to pull up sharply in order to yield the road to the more rapid wagon or “coachee” which has overtaken the coach. Numbers of carts are passing along, and farm-wagons, with high-ribbed bows covered with canvas, to shield the farmer from the sun by day and the dews by night. Nearer Baltimore Town one meets large gangs of “wheelbarrow men,” those convicts who, before the institution of the penitentiary system, were condemned to labor upon the highways. Accompanying each group is an overseer, wear-

<sup>1</sup> Parkinson, R. *A Tour in America in 1798, 1799 and 1800*, vol. i, pp. 252-3. (London, 1805.)

<sup>2</sup> Sutcliff, R. *Travels in some parts of North America in the Years 1804, 1805 and 1806*, p. 48. (Philadelphia, 1812.)

<sup>3</sup> Sutcliff. *Travels*, p. 99.



ing side-arms and often carrying a musket. Here and there are cabins in which the convicts at night are lodged or imprisoned.<sup>1</sup>

The driver is a steady man with a wonderful knack of avoiding the many stumps and large trunks of trees that fill the road. He guides his horses, usually named after the prominent politicians of the day, more by the different noises he makes than by the use of the reins. Stopping over night at one of the wayside inns one may get a bed for a quarter of a dollar the night.<sup>2</sup> It will not do to appear too anxious about accommodations, for the host, in an injured tone, informs one gentleman that he need give himself no trouble on that score, because no less than *eleven* beds may be found in one of his rooms.<sup>3</sup> For breakfast or supper one pays half a dollar; for dinner, one dollar. On the bill-of-fare may be found tea, coffee, fish, beef-steak, mutton-chops, sausages, eggs, several kinds of bread and butter, "cakes of buckwheat, &c."<sup>4</sup>

Danger, as well as discomfort, attends the passage of the many ferries which are found on the line of the main road. If the wind is high the trip is perilous as well as uncomfortable. If the water is low we may have to mount upon the backs of sturdy watermen and so be "toted" out, with possibilities of descent into the mud.<sup>5</sup> But even on land the journey may be filled with discomfort. One traveler has left a particularly dolorous account of his misfortunes, experienced, strange to say, upon the main road from Philadelphia via Baltimore to Washington. His own words must recount his adventures: "But the best cultivated parts of the country are not seen from the road, which passes chiefly over barren and hilly tracts, called 'ridges.' The reason for carrying the road over these is, because it is found to be longer than if carried over the flat part of the country, where the soil is deep, a circumstance which the people of Maryland always take into consideration; for after a road is once cut, they never take pains to keep it in good repair. The roads in this state are worse

<sup>1</sup> Tyson, M. E. A Brief Account of the Settlement of Ellicott's Mills, p. 18.

<sup>2</sup> Parkinson's Tour, vol. i, pp. 253-4.

<sup>3</sup> Weld, I., Jr. Travels through the States of North America during the years 1795, 1796 and 1797, p. 16, note.

<sup>4</sup> Parkinson's Tour, vol. i, p. 255.

<sup>5</sup> Sutcliff. Travels, p. 59.

than in any one in the Union; indeed, so very bad are they, that in going from Elkton to the Susquehannah ferry the driver frequently had to call to the passengers in the stage to lean out of the carriage first at one side, then at the other, to prevent it from oversetting in the deep ruts with which the road abounds: 'Now, gentlemen, to the right,' upon which the passengers all stretched their bodies half-way out of the carriage to balance it on that side: 'Now, gentlemen, to the left,' and so on. This was found absolutely necessary at least a dozen times in half the number of miles."

His comments on the road-construction of the times are interesting: "Wherever they attempt to mend these roads, it is always by filling the ruts with saplings or bushes, and covering them over with earth. This, however, is done only when there are fields on each side of the road. If the road runs contiguous to a wood, then, instead of mending it where it is bad, they open a new passage through the trees, which they call making a road. It is very common in Maryland to see six or seven different roads branching out from one, which all lead to the same place. A stranger, before he is acquainted with the circumstance, is frequently puzzled to know which he ought to take. The dexterity with which the drivers of the stages guide their horses along these new roads, which are full of stumps of trees, is astonishing."

Speaking of the travel between Baltimore and Washington, he recites: "The roads passing over these bottoms are worse than any I ever met with elsewhere. In driving over one of them, near the headwaters of a branch of Patuxent river, a few days after a heavy fall of rain, the wheels of a sulky which I was in sank up to the very boxes. For a moment I despaired of being able to get out without assistance, when my horse, which was very powerful, finding himself impeded, threw himself upon his haunches, and disengaging his forefeet, made a vigorous plunge forward, which luckily disengaged both himself and the sulky and freed me from my embarrassment. I was afterwards informed that General Washington, as he was going to meet Congress a short time before, was stopped in the very same place, his carriage sinking so deep in the mud that it was found necessary to send to a neighboring house for ropes and poles to extricate it.

Over some of these bottoms, which were absolutely impassable in their natural state, causeways have been thrown which are made with large trees laid side by side across the road. For a time these causeways afford a commodious passage; but they do not last long, as many of the trees sinking into the soft soil, and others exposed to the continual attrition of the wagon-wheels in a particular part, break asunder. In this state, full of unseen obstacles, it is absolutely a matter of danger for a person unacquainted with the road to attempt to run a carriage along it. The bridges over the creeks, covered with loose boards, are as bad as the causeways and totter as a carriage passes over. That the Legislature of Maryland can be so inactive and not take some steps to repair this, which is one of the principal roads in the state, the great road from north to south and the high road to the city of Washington, is most wonderful! ”<sup>1</sup>

#### THE DEVELOPMENT OF TURNPIKES IN MARYLAND.

The development of the turnpike system in Maryland and its influence upon the commercial welfare of the state is a subject to which little attention has been paid, but which would afford material for a separate volume. A complete discussion is forbidden, however, by the extent of the foregoing matter; and while the rise of the turnpikes will be traced with some detail, their history, after the period of their greatest importance, must be discussed only in the most general terms.

A “turnpike” or turnpike road is generally understood to have three characteristics:

1. An improved surface or road-bed.
2. A system of toll-gates placed at certain intervals.
3. An incorporated company with shares of stock, etc., furnishing the capital for the construction of the road.

The first road in the United States fulfilling all three conditions is said to have been that between Philadelphia and Lancaster, constructed by a company incorporated in 1791, for the stock of which frequent advertisements<sup>2</sup> appear in the Philadelphia papers of that and the next year. This turnpike was finished in 1795.

<sup>1</sup> Weld, I., Jr. *Travels, etc.*, pp. 22ff.

<sup>2</sup> Watson. *Annals of Philadelphia*, vol. iii, p. 152.



## BALTIMORE COUNTY TURNPIKES.

Four years later, in 1787,<sup>1</sup> the Legislature of Maryland made provision for the construction of several roads called turnpike roads in Baltimore county. The language used in the preamble of the act then passed shows how strongly the need of improved road-beds was felt:

"The public roads leading from Baltimore town to the western part of the state, by reason of the great number of wagons that use the same, are rendered almost impassable during the winter season, and the ordinary method of repairing the said roads is not only insufficient but exceedingly burthensome; and the establishment of several turnpike roads in the said county would greatly reduce the price of land-carriage of produce and merchandize, and raise the value of the land in the said county and considerably increase the commerce of the state."

Commissioners were appointed "to examine, survey, lay out and mark a public road from Baltimore-town towards Frederick-town in Frederick County to the line of Baltimore County, sixty-six feet wide, and on as streight a line as the nature of the country will permit;" in so doing they should "consider not only the distance but the goodness of the ground on which the said road is to pass." Similarly, other commissioners were to lay out "roads from Baltimore-town to Reisterstown," "from Reisterstown to Winchester-town [Westminster ?];" "from Reisterstown to Hanover-town, to the line of Baltimore County," and a road "from Baltimore-town towards York to the line of Baltimore County."

These highways possessed two of the three usual characteristics of a "turnpike road;" special provision was made for the improvement of the road-beds, and the erection of toll-gates was ordered. The construction and subsequent management of these roads was entrusted, however, not to a private company incorporated for that purpose, but to numerous officials to be appointed by the court of Baltimore county.

The roads were to be cleared sixty-six feet wide, with beds forty feet wide, raised in the middle eighteen inches above the sides. "When necessary," the beds were to be "covered or crowned with small stones or coarse gravel." Milestones and guide-posts were to be set up.

To cover the expenses of construction and management, two means were provided: First, officers known as the Commissioners of Review were to set up toll-gates and collect tolls of specified rates. Secondly, a property

<sup>1</sup> April Session, chap. xxiii.



tax of 3s. 9 d. per £100 for the first year, and of 2s. 6d. for succeeding years, was to be levied in Baltimore county. Besides the "Commissioners of the Roads" and the "Commissioners of Review," there were to be a Surveyor and a Collector. At least twice a year accounts were to be published in the Baltimore papers.

This unique plan of turnpiking under county authority was upon the whole unsuccessful. Within fourteen years the act of 1787 was amended no less than ten times. Many of these changes were unimportant; in 1790, however, the influence of the legislation for counties led to a law<sup>1</sup> empowering the Commissioners of Review to appoint one or more supervisors for the roads in question and permitting the substitution of personal labor for the payment of the tax authorized in 1787. This merely increased the division of authority that already existed; and finally, in 1801,<sup>2</sup> provision was made "for better guarding the executive part of the said law" [of 1787]. It was now decided to dispense with the numerous officials of the earlier law, and the management of the turnpike roads was given to a superintendent who should be appointed by the court of Baltimore county, give bond for \$5,000, appoint supervisors, clear the roads, etc. The books and property of the former commissioners and supervisors, and also the convicts at work upon the roads, were to be transferred to the new officials.

That some progress was made in the construction of these roads we may learn from the accounts published from time to time by the Commissioners of Review, two of which it may be worth while to give.

BALTIMORE, MARCH 18, 1791.

BALTIMORE COUNTY, FOR TURNPIKE ROADS, IN ACCOUNT WITH SAMUEL OWINGS, TREASURER.

DR.	£.	s.	d.
To cash paid for Sundries from the 5th of July, 1788, to to the 14th of Feb., 1791, as follows:			
For Centinels and Laborours, Wagons and Cart hire....	467	8	10½
For Lands taken from the road to Reisters-Town, Survey- ing and laying out roads, carpenters work, physicians' attendance, medicine and commissioners' attendance....	770	8	8
For clothing and victualling the criminals during that time, and for Carts, Horses, Waggon, and Sundry Tradesmen's Bills .....	3,332	3	9
	<hr/> 4,570	<hr/> 1	<hr/> 3½
To balance due the Treasurer per Contra.....	102	17	4½

<sup>1</sup> 1790, chap. xxxii.

<sup>2</sup> 1801, chap. lxxvii.

CR.	£.	s.	d.
By Cash received of Philip Graybell, Esq.....	2,428	6	4
By ditto received of Thomas Rutter, Esq.....	2,038	17	7¼
By balance due the Treasurer.....	102	17	4½
	<hr/>	<hr/>	<hr/>
	4,570	1	3½

(Errors excepted.)

Baltimore, Feb. 14, 1791.

Samuel Owings, Treasurer.

Baltimore, March 14, 1791.

Compared with the vouchers, and passed.

O. H. Williams,	} Commisisoners
Daniel Bowley,	
Charles Ridgely of Wm.	
	of
	Review.

BALTIMORE COUNTY, FOR TURNPIKE ROADS, IN ACCOUNT WITH THE  
TREASURER OF SAID ROADS.

DR.	£.	s.	d.
1801.			
To balance, per account filed last year.....	2,700	4	9¼
Paid overseers, centry, gate-keepers, Medicine and attend- ance, per vouchers up to October 1st, 1801.....	812	19	8
Paid for timber, fire-wood, building stone for bridges, masons, lime surveyors, commissioners, provisions and clothing for criminals, iron, steel, blacksmiths' tools, carts and horses, wagon hire, &c., per vouchers to Oc- tober, 1801 .....	4,341	10	9¾
	<hr/>	<hr/>	<hr/>
	7,863	14	6

CR.	£.	s.	d.
By C. H. Gist, Esq., since October, 1800.....	1,096	14	4
By J. Wilson, Esq., to October, 1801.....	1,398	17	4
By H. Stevenson .....	791	5	
By Middle Gate .....	912	13	1
By York Gate .....	420	2	5½
By Frederick Gate .....	278	11	5
By Sundry small credits .....	43	19	3
Balance due sundry creditors .....	2,921	11	4½
	<hr/>	<hr/>	<hr/>
	7,863	14	6

Samuel Owings, Treasurer.

Baltimore, October, 1801.

Examined, compared with the vouchers, and past.

(Signed)

James Ogleby,  
J. Nathan Ellicott,  
William Owings,  
David McMechen,  
Charles Ridgely of Hampton.

The latter account shows a marked deficit. The next year, 1801, by an act to which reference was made above,<sup>1</sup> an additional tax of 50 cents per 100 was laid in Baltimore county and new rates of toll were specified. The Levy Court was empowered to borrow \$1,600 to finish the roads. This was insufficient, and a further tax of 15 cents per 100 was levied the same year.<sup>2</sup> In 1802, fifteen years after the original act, it was ordered that the Reisterstown turnpike should be recorded as completed.<sup>3</sup>

#### INCORPORATION OF PRIVATE TURNPIKE COMPANIES.

When the failure of the experiment of turnpiking under county authority became apparent, efforts were made to attract private capital to investment in the construction of turnpike roads. For some time these attempts were equally fruitless. The first turnpike company in Maryland, incorporated in 1796, to build a turnpike road between Baltimore and Washington,<sup>4</sup> apparently accomplished nothing, and those immediately following seem to have been no more fortunate.<sup>5</sup>

#### THE TURNPIKES OF 1804-5.

It was not until the session of 1804-5 that legislation was enacted which had a permanent result. In that year there were passed two acts, which may be said to have laid the basis of the turnpike system in Maryland. The fifty-first chapter of this year's legislation is entitled "An Act to Incorporate Companies to make Several Turnpike Roads through Baltimore County, and for other purposes." The preamble recites that "it is represented to this General Assembly, that by the several laws heretofore passed on this subject the desirable object

<sup>1</sup> 1801, chap. lxxvii.

<sup>2</sup> 1801, chap. lxxxvii.

<sup>3</sup> 1802, chap. lxxx.

<sup>4</sup> Chap. lxix. Capital, \$160,000.00.

The provisions for tolls include this: For every single horse, *camel*, ass or mule, \$0.01.

<sup>5</sup> Other companies apparently unsuccessful were: the Elizebeth Turnpike Company, incorporated 1797 (chap. lxxv); the Reisterstown turnpike roads (1797, chap. lxx), intended to connect with the county turnpike of the law of 1787; the Alleghany Turnpike Road (1801, chap. xlv); and the Cumberland and Union Road (1801, chap. lii). These incorporations make evident the desire to improve the conditions of intercourse with the western country.

contemplated by the Legislature has not been obtained and the public expectation almost entirely frustrated." Three companies were accordingly incorporated to make roads as follows:

1. From Baltimore through New Market, Frederick and Middletown to Boonsborough.<sup>1</sup>

2. From Baltimore through Reisterstown towards Hanover and through Westminster to the Pennsylvania line, towards Petersburg, as shall be agreed upon by a majority of the stockholders.<sup>2</sup>

3. From Baltimore toward York to the Pennsylvania line.<sup>3</sup>

Various extensions of these roads were subsequently authorized (*a*) from Boonsborough to Hagerstown, (*b*) from Boonsborough to Williamsport,<sup>4</sup> (*c*) from Frederick to Harper's Ferry,<sup>5</sup> afterwards, in 1815,<sup>6</sup> put under a separate company, and (*d*) from Boonsborough to the beginning of the Cumberland Turnpike Company's road.<sup>7</sup> By an act of 1805,<sup>8</sup> the second road might be extended from Westminster to Taneytown, Emmitsburg, and thence to Pennsylvania line.

The titles of the three companies were to be respectively—  
The President and Managers and Company of the

Baltimore and Frederick Town Turnpike Road,

“ “ Reisterstown “ “

“ “ York Town “ “

and the companies were given full corporate powers.

The text of this act is very lengthy, containing thirty-nine sections. Some of the most important provisions are as follows:

The roads are to be made over, and upon the beds of the present roads, as laid out and confirmed by the Commissioners of Review [of 1787].

Baltimore county having expended considerable sums in turnpiking these roads, is to be reimbursed by the payment to the county of shares of turnpike stock to an amount equal in value to the old roads. This value is to be ascertained by the arbitration of nine commissioners for each road, three of whom are to be chosen by the Levy Court; three by each company, and the remaining three by the former six. The Levy Court, upon receiving the stock awarded by the commission, shall then have all the privilege of

<sup>1</sup> Capital Stock, \$220,000.

<sup>3</sup> Capital Stock, \$100,000.

<sup>5</sup> November, 1809, chap. cxxiv.

<sup>7</sup> See 1815, chap. cxxv.

<sup>2</sup> Capital Stock, \$160,000.

<sup>4</sup> 1804, chap. ci.

<sup>6</sup> Chap. clxvi, sec. 17.

<sup>8</sup> Chap. lxxvii.



voting, &c., of an individual holding the same number of shares.<sup>1</sup> Anne Arundel and Frederick counties are also to be reimbursed for their expense in laying out such parts of the roads as lie within their limits.

Twenty feet in breadth, at least, is to be made an artificial road, which shall be bedded with wood, stone or gravel, or any other hard substance well compounded together a sufficient depth to secure a solid foundation; and the road is to be faced with gravel or stone pounded, or some other hard substance, in such manner as to secure a firm and, as near as possible, an even surface. The road is in no place to rise or fall more than will form an angle of 4° with a horizontal line, except over the Catoctin and South Mountains, where an angle of 6° will be tolerated. "The companies shall forever hereafter, during the continuance of said incorporation or incorporations maintain and keep the same in good and perfect order and repair."

Upon finishing the first and every subsequent ten miles of road the companies may notify the Governor of the state, who shall then nominate and appoint three persons to review the same. If they report favorably upon the completed work, the Governor shall, by license, permit the erection of so many gates as will be necessary.<sup>2</sup>

The Treasurer of the Western Shore is constituted a Court of Inspection, to whom the companies shall report annually as to their receipts and expenses. The Stockholders are not to receive more than 10% net profit on their investment. The companies shall keep accounts, an abstract of which is to be laid before the General Assembly by the Court of Inspection every third year until two years after the roads are completed. The Court of Inspection is to employ the surplus above 10% profits to purchasing out the stock of the respective roads. The General Assembly may purchase the road at any time by paying the respective companies the cost of the roads with interest equivalent to 10% on their investment.

If the road is considered to be out of repair, a jury of inquisition is to be summoned. If they find the road imperfect as alleged, the collection of tolls shall cease at the nearest gate on each side of the defective spot. Fines are provided for evading the tolls.

The companies are to erect posts and index hands and mile-stones, and the distance between gates is to be marked on the gates. The destruction or defacing of such posts, etc., is punishable by a fine.

Drivers are to be kept to the right. Persons living on or adjacent to the roads and within three miles of a toll-gate are to pay toll but once in

<sup>1</sup>The Levy Court of Baltimore County shall continue the present turnpike gates on the turnpike, and appoint toll-gatherers to receive the present tolls until the companies have finished their respective roads ten miles from Baltimore City.

<sup>2</sup>Rates of toll are established by section 20 for any person riding, leading or driving horses, cattle, hogs, sheep, sulkey, chair, chaise, phaeton, coach, coachee, cart, wagon, sleigh, sled or other carriage of pleasure or burden. Two oxen are charged the same as one horse. Limits are set to the weight of loads upon wagons of specified tire width. The companies may erect scales and compel the weighing of teams.

twenty-four hours. The tolls may be farmed out. The laws relating to convict labor on the roads are to be in force until the turnpikes are finished. Provision is made as to the time of commencement and completion of the roads; and the construction of the York and Reisterstown roads is suspended until Jan. 1st, 1808. This provision was however modified.<sup>1</sup>

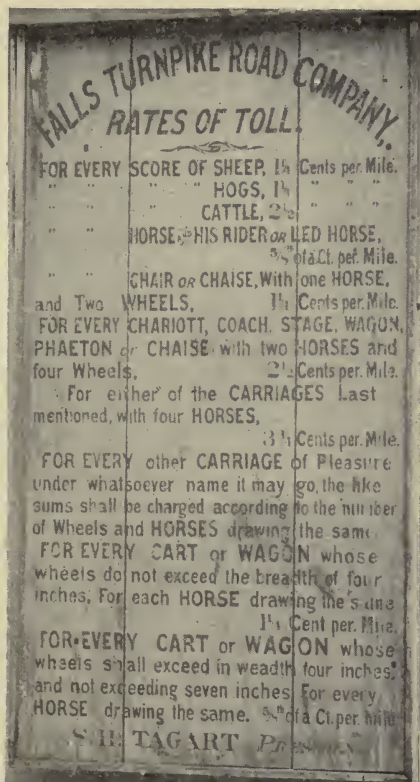


FIG. 4.—Old sign-board giving the rates of toll on animals and vehicles.

The Falls Turnpike Company was incorporated in the same year, 1804.<sup>2</sup> This was to run from the cross-roads near Richard Caton's lime-kiln in Baltimore county, nearly along the line of Jones' Falls to the City of Baltimore. Special provision was made against the York road trade being diminished by the Falls turnpike.

<sup>1</sup>In 1805, the requisite stock having been subscribed, the Reisterstown Company was authorized to proceed at once [chap. xv], and similar permission was granted the York Company in 1807 [chap. cxliv].

<sup>2</sup> Chap. xci.

## GALLATIN'S REPORT ON TURNPIKES.

In accordance with a resolution of the Senate adopted March 2, 1807, the Secretary of the Treasury, Albert Gallatin, prepared a list of questions to acquire information concerning turnpikes, and copies of this list were distributed in the states through various Federal officers. From the answers to these queries much may be learned concerning the exact status, in 1807, of the turnpikes authorized by the acts of 1804 of the Maryland Legislature.

*Falls Turnpike.* "The Falls Turnpike," reports Richard Caton, "is expected to unite the trade of the North with Baltimore. It is in a direct line to Hanover and Carlisle." The \$38,000 requisite to complete the road "will be eagerly subscribed when the company can get permission from the Legislature to make a good road from the end of the Falls Turnpike to a road which leads to the State-line of Pennsylvania," at a distance of nine miles. He thinks the Legislature has refused this permission from an over-scrupulous regard for the interests of the Reisterstown Road. "The application must, however, prevail, as it is founded on justice and public utility."

"The road is not yet completed; the cost is estimated at \$7,500 per mile, including bridges, and the whole length is somewhat over nine miles."

*Reisterstown Roads.* The Secretary of the Reisterstown Turnpike Road Companies reports:

(1) Baltimore and a point on the Pennsylvania line towards Hanover are united; distance about thirty-five miles; and Baltimore and a point on the Pennsylvania line towards Petersburg are united; distance about forty-five miles. The road forks at Reisterstown, sixteen miles from Baltimore.

(2) The greatest elevation of the hills is 24 feet perpendicular from the bed of the road. The greatest angle of ascent which has been allowed is  $3\frac{1}{2}^{\circ}$ .

(3) Describes the breadth of the road and continues: "The form convex, twenty-four feet in width along the middle of the road, and one foot in depth is bedded with stone broken small enough to pass through a ring of three inches diameter. The rest is clay."

(4) Details of bridges—all of which are of stone.

(5) Cutting through hills and filling up valleys are particular difficulties surmounted and to be encountered.

(6) Expenses for construction, \$10,000 per mile.

(7) Capital already expended is about \$200,000; that vested is \$120,000. Ten miles of road have been completed, and the work is progressing.

(8 and 9) Information as to tolls and charters.

*Frederick Road.* Jonathan Ellicott of the Baltimore and Fredericktown Turnpike Road reports at greater length:

The distance from Baltimore to Boonsborough is about sixty-two miles. The contract for the first twenty miles of the road was made July 4th, 1805, and the cost was \$9,000 a mile on the average. The gates were up and toll being received by April 24, 1807. Seventeen miles farther are contracted for at about \$7,000 per mile, and of these, only ten are completed.



"It may be observed," he continues, "that from Boonsborough to Cumberland, a distance of seventy-four and a-half miles, as the road now runs, is as yet without any provision by laws for its improvement, further than as common county roads in other parts of the State. . . . To bring into full operation the benefits contemplated by the general government by the road leading from Fort Cumberland to the Ohio,<sup>1</sup> it becomes necessary that the State of Maryland should either take this matter upon her own account or put it in the power of Congress to promote a design which it is to the interest of the Union to carry into effect."<sup>2</sup>

#### THE BANKS AND THE TURNPIKE TO CUMBERLAND.

The years of 1812 and 1813 witnessed an important step in the turnpike-construction of Maryland.<sup>3</sup> The president and directors of the several incorporate banks in the City of Baltimore, the president and directors of the Hagerstown Bank, of the Conococheague Bank, and of the Cumberland Bank of Alleghany, were incorporated by the name of "The President, Managers and Company of the Cumberland Turnpike Road," for the purpose of surveying, locating and making a turnpike road from some point on the west bank of Big Conococheague through Hancock to Cumberland.

This company is invested with all the rights of those incorporated in 1804 with the same provisions as to tolls, etc. The charters of the banks included in the statute are extended to January 1, 1835, upon condition of the several banks subscribing in proportion to their respective paid-in capitals for as much stock as will cover the expense of completing the road. In case any one of these banks augments its capital, its President and Directors are required to subscribe for an additional amount of stock in proportion. The President and Directors of each bank subscribing are to choose one manager for every twenty-five thousand dollars of road stock subscribed by them, but every bank is to have the choice of one manager. The managers so chosen shall elect from among themselves a President and Treasurer.

The road is to be made, stoned, etc., in the same manner as the Frederick Turnpike, except in parts where stoning is thought unnecessary.<sup>4</sup>

<sup>1</sup> The National Road.

<sup>2</sup> American State Papers, Miscellaneous, vol. i, pp. 900-909.

<sup>3</sup> 1812, chap. lxxix; 1813, chap. cxxii. The latter act was a substitute for the former.

<sup>4</sup> After Jan. 1st, 1815, all the incorporated banks in the state shall pay annually to the Treasurer of the Western Shore a tax of 20 cents on every \$100 of their capital stock, as a further condition of the extension of their charters. The proceeds of this tax are to be invested in stock of the Commercial and Farmers' Bank of Baltimore and the Mechanics' Bank of Bal-



## INCREASE OF TURNPIKE COMPANIES.

Meanwhile the incorporation of turnpike companies went on unceasingly. Many schemes that had previously failed were taken up again. For example, the unsuccessful Baltimore and Washington Turnpike Company of 1796 was succeeded in 1812<sup>1</sup> by a new company formed to make a turnpike road from Baltimore to Norwood's Ferry on the Patapsco, and thence by McCoy's Tavern, Vansville, the White House, Ross's Tavern and Bladensburg to Washington. In 1813<sup>2</sup> the Newcastle and French-town turnpike, which had not succeeded when first incorporated in 1809,<sup>3</sup> was revived, and the Baltimore and Strasburg,<sup>4</sup> Baltimore and Havre de Grace,<sup>5</sup> and the Westminster, Taneytown and Emmitsburg<sup>6</sup> Turnpike Companies were incorporated. Two years later, in 1815, the Baltimore and Frederick Turnpike Company was authorized to open subscriptions for additional stock to the amount of \$160,000, to construct a road from Boonsborough to that point on the west bank of the Conococheague, at which the Cumberland Turnpike road began.<sup>7</sup> At the same time the control of the Harper's Ferry road was taken from them.<sup>8</sup>

## GOVERNOR GOLDSBOROUGH'S REPORT.

Three years later is found an interesting executive communication from Governor Charles Goldsborough to the Assembly on the subject of turnpike roads. This was prepared in accordance with a resolution of the House adopted the previous session, calling for information on this point. A list of queries was sent to the various turnpike

timore, to be a fund for the establishment of Free Schools, kept separated from the rest of the funds of the State of Maryland. The Treasurer is to report thereon annually to the General Assembly. The banks may escape the payment of the annual tax by paying to the state before January 1, 1816, the sum of \$200,000. If the banks agree to these propositions, the faith of the state is pledged to impose no new tax on them and to incorporate no new banks in Baltimore before January 1, 1835.

Thus by this act two great ends were had in view. The connection of the Cumberland or National Road with Baltimore and the establishment of the public school system of Maryland.

<sup>1</sup> 1812, chap. lxxviii.

<sup>2</sup> 1813, chap. lxxxii. December Session.

<sup>3</sup> 1809, chap. lxiv.

<sup>4</sup> 1813, chap. cxxvi. December Session.

<sup>5</sup> 1813, chap. clxvii. December Session.

<sup>6</sup> 1813, chap. clxxiii. December Session.

<sup>7</sup> Chap. cxxv. <sup>8</sup> Chap. clxvi.

companies, and a summary of the answers was given in the Governor's report.

The report commences with some general remarks upon the subject. The aggregate capital invested in turnpike roads is valued at \$2,100,000, the greater part of which is owned in Baltimore. The stock owned by the state is \$10,000 in the Frederick Road and \$5,000 in the York Road.<sup>1</sup>

Concerning the difficulties of the turnpike companies in the existing situation, it is reported that each company sustains a great loss from parallel roads, which are neither turnpiked nor shut up, and in fine weather are patronized by all but the heaviest teams in order to avoid paying the tolls. Another mistake was made in fixing the tolls arbitrarily at so much per horse according to the kind of carriage, whereby an empty wagon pays as much as one with the heaviest load if the number of horses is the same.

It is suggested that the tolls be regulated according to the weight, and also according to the season, light in fine weather and heavy in winter. A most pernicious practice is that of locking the wheel of a heavily loaded wagon descending a hill, thereby tearing up the road, when frost and wet weather have made the foundation soft. This is especially true of mountain roads. The substitution of the "shoe" is earnestly recommended, that is, "a piece of iron, or even wood, 18 inches or 2 feet long and 4, 6 or 8 inches broad, fastened to the cross-bar or bolster of the wagon by a chain which is just of such a length that when the shoe is slipped under the hinder wheel, the chain prevents it falling farther back, and the wagon being in motion, the shoe is dragged on bearing the wheel up on it." But the great scourge to a turnpike road is the narrow wheel, which should be made the subject of legislation.

As to the condition of the various roads, the report notes that the Frederick Road "was originally intended to be made eleven miles further to Williamsport on the Potomac, but failed, however, in consequence, it is believed, of the expenditure of the sum of \$56,000 upon the bridge over the Monocacy, which the Company was not obliged by law to make, but assumed it voluntarily, in the belief that the Legislature would grant them a special toll to meet the special expense. In consequence, however, of the refusal of the Legislature to do so, their capital was exhausted and themselves discouraged from the prosecution of the road."

The Bank Road to meet the National Road at Cumberland appears to be peculiarly the object of legislative care. The importance of the retention and development of the connection with the Ohio country to the commercial interests of Baltimore is dilated upon at length. The Frederick Road is complete to Boonsborough, sixty miles from Baltimore. The Reisterstown Road is completed to the town of Westminster, whence the road proceeds northerly in the direct route to Chambersburg in Pennsylvania. The under-

<sup>1</sup> A resolution of 1808 extended the financial aid of the state to the turnpike companies by authorizing the Treasurer of the Western Shore to subscribe for 250 shares in the Baltimore and Frederick Turnpike Company's stock and 250 shares in the York Turnpike stock. An additional subscription was authorized the next year.

taking of another company to make a road from the Reisterstown Road near Westminster to Hagerstown through Harman's Gap in the Blue Ridge, is believed to be at a stand for want of funds. A return was made to the executive on Dec. 28th, 1816, that 6½ miles were completed, and license to erect a toll-gate was granted. The distance from Westminster to Hagerstown is estimated at forty miles. From Conococheague Creek to Cumberland, fifty-eight miles, the road undertaken by the banks, will be completed by December, 1820.

It appears, then, that there is a gap in the communication to Cumberland not provided for. This it is proposed to fill up in one of three ways: 1st. By finishing the road from Westminster through Harman's Gap to Hagerstown; 2d, by turnpiking from Boonsborough to Hagerstown; and 3d, by turnpiking from Boonsborough through Williamsport to intersect the Bank Road somewhere at the seventh or eighth mile-stone of that road west of the Conococheague. The executive does not undertake to decide which of these is preferable, but leaves that to the Legislature, whose attention he moreover directs to the Bank Road, recommending its purchase by the state, and the reduction of tolls. The creation of a board of Commissioners of Public Works, to be elected by the Legislature, and to serve without salaries, is recommended. The report is supplemented by statistical information from the various turnpike companies. From these it is plain that the dividends declared by the Reisterstown, Frederick and York turnpikes show upon the whole a steady increase down to 1817, the last year reported.

The immediate outcome of this communication was a resolution authorizing the Governor and Council to ascertain the best terms upon which the possession of the road might be obtained from the state, also upon what terms the banks would consent to release from toll all wagons having tires of certain width.

#### FURTHER BANK AID.

In 1818 there was published a pamphlet of some thirty pages entitled "Remarks on the Intercourse of Baltimore with the Western Country," with an accompanying map, showing the contemporary status of the turnpike connection. The pamphlet emphasized the necessity of the undertaking to the commercial well-being of Maryland and also its unifying effect politically. This and similar presentations of the case seem to have had due influence upon the Assembly, which, in the session of 1821,<sup>1</sup> extended the charters of the banks ten years longer, to 1845, upon condition of their forming a company to make a turnpike from Boonsborough to Hagerstown.

The new company is invested with all the rights of the previous company and like that is subject to an annual tax of 20 cents on every \$100 of their capital stock, the proceeds of the tax to be invested for the benefit of the

<sup>1</sup> Chap. cxxxi.



free schools. Work is to begin within two years, and the road is to be completed within four years thereafter. It is to be constructed like the Frederick Turnpike.

The assistance rendered to turnpike construction by investments compulsory or voluntary on the part of the banks was not limited to the cases mentioned above. The Frederick and Harper's Ferry, Williamsport and Hagerstown, Baltimore and Havre de Grace and other turnpikes received similar pecuniary aid. Dr. Bryan<sup>1</sup> states that the liabilities thus assumed were unprofitable to the banks, and his view is corroborated by the Executive Report of 1817, to which reference has been made above. The directors of the Bank Road, when asked to mention any particular grievances with which they were afflicted, reply: "The Company have but one grievance to complain of, and that is being compelled to make this road. It is a severe and oppressive tax upon the banks, and one which, under present circumstances, their business does not enable them to meet without great embarrassment."

#### THE TURNPIKES AND BALTIMORE CITY.

With the completion of the connection between Cumberland and the East, by the construction of this road, the importance of the turnpikes reaches its height. The further westward they extended the wider was the territory they "tapped." The National Road, whose historic relation to the State of Maryland will presently be considered more specifically, was now completed from Cumberland to the Ohio river; and from Cumberland to Baltimore was an easy descent.

By these channels a stream of wealth rolled down to Baltimore to be shipped to Europe, South America, or the West Indies. We owe to Jared Sparks, the biographer of Washington, a most pleasing description of Baltimore's prosperity in the third decade of this century. "Within the last thirty years," he says, "the population of Philadelphia has increased to a number three times as great as it was at the beginning of that period; New York to a number four times as great, and Baltimore to a number five times as great. Among all the cities of America, or of the Old World, there is no record of any one

<sup>1</sup> Bryan, A., *State Banking in Maryland*, pp. 60-61.



which has sprung up so quickly or to so high a degree of importance as Baltimore. At the commencement of the Revolution it was a village of five thousand inhabitants, and at the close of the war it had increased to more than eight thousand. In magnitude it is now the third city in the Union, and has held that rank for nearly twenty years." In ascribing causes for this rapid development he gives first place to its situation, . . . "presenting the nearest market to the western country," adding, as other reasons, the fast-sailing vessels, the almost exclusive intercourse with San Domingo for a long period, the two great staples, flour and tobacco, and lastly, and, it is to be hoped, the most enduring element of all, the energetic spirit of the people. In a more detailed manner he refers to seven turnpikes then entering Baltimore city—the Reisterstown, York, Frederick, Washington, Bel Air and Havre de Grace. "Now," he continues, "the line of communication is complete between Baltimore and Wheeling over one of the best roads in the world, on which it is now in contemplation to set up a line of transport-wagons to run day and night."<sup>1</sup>

From this and other sources it is possible to gather interesting details of the commercial activity of the time. "Large droves of live stock," Sparks tells us, "especially hogs, are now driven every year from the banks of the Ohio, in Kentucky, to Baltimore, in preference to being packed on the spot and sent down the river by a more speedy conveyance to the New Orleans market."<sup>2</sup> "In 1827," another record relates, "a gentleman traveling thirty-five miles on the road between Baltimore and Frederick met or passed 235 wagons in his journey, nearly seven for every mile. These wagons were generally of the largest size and very heavily loaded."<sup>3</sup>

The capacious courtyards of the old inns and hotels in Baltimore city, which have one by one disappeared before the advance of modern civilization, long served to remind one of these old Conestoga wagons that came down to Baltimore drawn by five and six horses—oftentimes with a sturdy bull-dog chained behind. These wagons carried enormous loads. Upon one occasion an ordinary five-horse farmer's wagon brought from Gettysburg, Pennsylvania, to Baltimore, ten barrels of

<sup>1</sup> "Baltimore," in *North American Review* (1825), vol. xx, pp. 99ff.

<sup>2</sup> *Ibid.*, p. 133.

<sup>3</sup> *Niles' Register*, 1827, n. s., vol. viii, p. 34.

whiskey and fifteen barrels of flour, besides a few kegs of butter, weighing in all over three tons and a half.<sup>1</sup>

#### THE RISE OF THE CANAL AND THE RAILROAD.

Hardly had the turnpike system been perfected, however, when its adequacy began to be threatened by another, beyond which the present day has not definitely advanced. The course of events is summarized by Pitkin as follows: "The enterprising citizens of Baltimore in 1826, perceiving that, in consequence of steam navigation on the western waters and the exertions of other states, they were losing the trade of the West, began seriously to consider some mode of recovering it."<sup>2</sup>

The successful application of steam to water transportation preceded by some years its use upon land. As early as 1823 no less than seventy-eight steamboats were plying the waters of the Mississippi and the Ohio.<sup>3</sup> Upon land the use of iron rails had been urged in Maryland in 1816;<sup>4</sup> but it was about ten years later before such a tramway was actually constructed in America, and twelve before Maryland built the first railroad in the United States, expressly intended for the transport of freight and passengers.

Almost contemporaneous with the agitation for railroads was that for canals, and in this also Maryland was not behind, for the Chesapeake and Ohio Canal was incorporated in 1823,<sup>5</sup> three years before the Baltimore and Ohio Railroad, in 1826.<sup>6</sup>

In these two organizations have been reached the latest developments of the idea which began in the century before with the labors of Gist, Nemacolin and Washington. Into the further history of such internal improvement in Maryland, interesting as the subject may be, it will be impossible here to go; but it must be noted that the turnpikes of the early part of this century performed a greater service for subsequent years than the mere transportation of goods; themselves constructed upon earlier lines, they pointed out in almost every instance the general direction for the railroads which succeeded them.

<sup>1</sup> Niles' Register, 1826, n. s., vol. vii, p. 91.

<sup>2</sup> Pitkin, Statistics of the U. S.

<sup>3</sup> Niles' Register, 1823, n. s., vol. i, pp. 94-5.

<sup>4</sup> Niles' Register, vol. ix, sup. p. 151.    <sup>5</sup> Chap. cxl.    <sup>6</sup> 1826, chap. cxxiii.

## SUBSEQUENT TURNPIKE LEGISLATION.

The statement that the completion of the turnpike connection between the East and West marked the zenith of the development of the turnpike system in Maryland, must not be misunderstood as indicating that the era of turnpikes was thereby terminated. On the contrary, very many turnpikes were afterwards constructed. But with the introduction of the railroad system their character was changed, and instead of being leading lines of communication, they became feeders to the railroads, radiating to them from the various towns and thus served to build them up as they had built up Baltimore. In some instances, moreover, on beds of the turnpikes, railroads were later constructed.<sup>1</sup>

All turnpikes were incorporated by special acts of Assembly until the year 1868, when a general incorporation law was provided. This was modified by the act of 1882, chap. cccc, and in this form represents the present law as found in *The Public General Laws* (art. xxiii, 233). It remains only to note that in the course of time many of the turnpikes have become unprofitable. The companies have allowed them to lapse into the hands of the various counties in which such roads or parts of roads lie. This had commenced as early as 1850, according to a publication entitled "*History and Statistics of Maryland*," based upon the census of that year. There were then 263 miles of turnpikes in use as such. A map has been prepared indicating which of the turnpikes are now kept up, and which are in the hands of the counties.

## MARYLAND'S RELATION TO THE NATIONAL ROAD.

To conclude this study of the development of highways in Maryland, perhaps no more fitting theme can be selected than a brief sketch of that highway, which, above all others, historically connects Maryland with the United States, the state with the Nation.

## WASHINGTON AND THE OHIO COUNTRY.

The colony of Maryland formed the gateway through which the English settlers of America entered into the Ohio country before

<sup>1</sup> Acts of 1827, chap. ccvii; 1825, chap. cxviii; 1829, chap. lxiv.



and during the French and Indian War. It was under the leadership of George Washington that the western wilderness was first really pierced and a claim for the English colonies established. It was fitting therefore that the further development of the Ohio country both economically and politically, and especially the idea of connecting it with the seaboard by improved means of transportation, should be thenceforth his constant care.

In the interval between the French and Indian War and the Revolution, Washington in various ways secured possession of large tracts of land in the Ohio country, having regard, however, for "an extensive public benefit, as well as private advantage."<sup>1</sup> He began negotiations for the introduction of German settlers from the Palatinate, of whose thrift and success in the cultivation of new country the German colonizers of western Maryland had doubtless afforded him ample proof. He next turned to the consideration of a plan for opening communication between the western country and the coast. The first means which offered itself was naturally the Potomac river, which, as far back as 1754,<sup>2</sup> had attracted his attention. On July 20, 1770, he writes to Thomas Johnson, afterwards Governor of Maryland, urging that public attention be invited to a scheme for opening up the communication of the Potomac "upon a more enlarged plan, as a means of becoming the channel of conveyance of the extensive and valuable trade of a rising empire."<sup>3</sup>

At the close of the Revolutionary War Washington again turned his attention to this project, and the result was the formation and incorporation of the Potomac Company in 1784. The history of this organization was unfortunate. Washington seems never to have doubted its success; and in his will he made the profits accruing from his share in it the basis of a fund for another of his favorite schemes, a National University.<sup>4</sup> But the company undertook more than its

<sup>1</sup> Sparks. Writings of Washington, ii, pp. 375-7. On the whole subject see Adams, H. B. Maryland's Influence in Founding a National Commonwealth. Maryland Historical Society, Fund Publication No. 11.

<sup>2</sup> Report of Mr. Andrew Stewart. Reports of Committees, 19th Congress, 1st Session. Report No. 228, pp. 1-2.

<sup>3</sup> Stewart's Report, p. 29.

<sup>4</sup> See Washington's will in Sparks' Writings of Washington, vol. i, pp. 569-80.



finances would bear; and it was finally superseded by the Chesapeake and Ohio Canal.

#### THE NORTHWEST TERRITORY.

But the realization of Washington's idea was not confined to the Potomac Company, for the National Road succeeded where the other had failed. The National Road, like the present magnificent system of public education in the western states, grew out of the public lands of the American Union. Maryland's firm refusal to agree to the Articles of Confederation until the larger states had yielded their claims to the territory west of the Alleghanies won the control over that country for the Congress of the United States, and thereby exerted a powerful influence towards unity, at a time when discord ran high and the prospects of the United States becoming a nation were at the lowest ebb<sup>1</sup>.

For the government of the territory thus subjected to National control provision was made by the ordinances of 1784, 1785, and 1787. The second of these provided for the reservation to the United States of certain sections in each township for future sale.<sup>2</sup> The last, the celebrated ordinance of 1787, provided that "the navigable waters leading into the Mississippi and St. Lawrence, *and the carrying-places between the same*, shall be *common highways*, and forever free, as well to the inhabitants of the said territory as to the citizens of the United States and those of any other states that may be admitted into the Confederacy, without any tax, impost or duty therefor."<sup>3</sup> The sections of public land reserved for sale by the former of these ordinances later furnished the pecuniary basis for the National Road, while the phraseology of the latter anticipated the large national character of that highway.

#### ALEXANDER HAMILTON AND THE NATIONAL IMPROVEMENT OF HIGHWAYS.

Before the beginning of the present century there had been suggested plans for an improvement of the main routes of travel by the

<sup>1</sup> For an elaborate discussion of this see H. B. Adams' work referred to above.

<sup>2</sup> Journals of Congress, 1785, May 20, vol. x, p. 171.

<sup>3</sup> Journals of Congress, 1787, July 13, vol. xii, p. 91.

National Government. Perhaps the most comprehensive of these early schemes was that of the great financier and statesman, Alexander Hamilton, who emphasized the value and necessity of the extension and the "improvement of the great communications, as well internal as coastwise, by turnpike roads," which "would be a measure universally popular. None can be more so. For this purpose," he continued, "a regular plan should be adopted, coextensive with the Union, to be successively executed, and a fund should be appropriated sufficient for the basis of a loan of a million of dollars. The revenue of the post office naturally offers itself. The future revenue from tolls would more than reimburse the expense, and public utility would be promoted in every direction."<sup>1</sup>

#### ALBERT GALLATIN AND THE INCEPTION OF THE NATIONAL ROAD.

Hamilton's suggestion and others of a like nature prepared the way for the policy later supported by Gallatin, Calhoun, and Clay. To Albert Gallatin, who was Secretary of the Treasury under Jefferson, is due the peculiar character of the "enabling act" for the admission of Ohio into the Union as a state. This act contained a provision that "one-twentieth part of the net proceeds of the lands lying within the said state sold by Congress, from and after the 30th of June next, after deducting all expenses incident to the same, shall be applied to laying out and making public roads leading from navigable waters emptying into the Atlantic to the Ohio, to the state and through the same, such roads to be laid out under the authority of Congress, with the consent of the several states through which the road shall pass."<sup>2</sup> An attempt to devote one-tenth, instead of one-twentieth of the proceeds of land sales to this purpose failed in the Senate.<sup>3</sup>

Gallatin recommended the construction of these roads in the highest terms. They "will be," he said, "as beneficial to the parts of the Atlantic States through which they are to pass, and nearly as much

<sup>1</sup> Hamilton to Dayton (1799) in Lodge, Hamilton's Works, pp. 517-19.

<sup>2</sup> Act of April 30, 1802.

<sup>3</sup> Provisions similar to the above were contained in the acts for the admission of Indiana, Illinois and Missouri.

to a considerable portion of the Union, as to the Northwestern Territory itself.”<sup>1</sup>

A year later Congress appropriated three-fifths of the one-twentieth, or five per cent.; *i. e.*, three per cent. of the whole, to “laying out and making roads from the navigable waters emptying into the Atlantic to the river Ohio, to the said State.”<sup>2</sup>

In the next Congress an attempt was made to pass a law authorizing the President to provide for the exploration of suitable routes, but this was frustrated by the Senate. In 1805, however, a report was presented by Mr. Tracy of Massachusetts, showing that the net proceeds of the sales of lands in the state of Ohio from July 1, 1802, to September 30, 1805, amounted to \$632,604.27, 2 per cent. of which, or \$12,652, was then subject to the uses directed by the law of 1802. This report also discussed the best location for the proposed road or roads, treating especially of the relative distances of the cities of the Atlantic coast to the Ohio river. A route was recommended as follows:

“The State of Maryland, with no less spirit and perseverance [than Pennsylvania], are engaged in making roads from Baltimore and from the western boundary of the District of Columbia, through Fredericktown to Williamsport. Were the Government of the United States to direct the expenditure of the fund in contemplation upon either of these routes, for the present, in Pennsylvania or Maryland, it would, probably, so far interfere with the operations of the respective States, as to produce mischief instead of benefit; especially as the sum to be laid out by the United States is too inconsiderable, alone, to effect objects of such magnitude. But as the State of Maryland have no particular interest to extend their road across the mountains (and if they had it would be impossible, because the State does not extend so far), the Committee have thought it expedient to recommend the laying out and making a road from Cumberland, on the northerly bank of the Potomac, and within the State of Maryland, to the river Ohio, at the most convenient place between a point on the easterly bank of said river, opposite to Steubenville, and the mouth of

<sup>1</sup> Letter of Feb. 13, 1802.

<sup>2</sup> Act of March 3, 1803.



Grove Creek, which empties into said river Ohio, a little below Wheeling in Virginia. This route will meet and accommodate the roads leading from Baltimore and the District of Columbia; it will cross the Monongahela river, at or near Brownsville, sometimes called Redstone, where the advantage of boating can be taken; and from the point where it will probably intersect the river Ohio, there are now roads, or they can easily be made over feasible and proper ground, to and through the principal population of the State of Ohio.

“ . . . To enlarge upon the highly important consideration of cementing the union of our citizens located on the Western Waters with those of the Atlantic States, would be an indelicacy offered to the understanding of the body to whom this report is addressed, as it might seem to distrust them. But from the interesting nature of the subject the Committee are induced to ask the indulgence of a single observation. Politicians have generally agreed that rivers unite the interests and promote the friendship of those who inhabit their banks, while mountains, on the contrary, tend to the disunion and estrangement of those who are separated by their intervention. In the present case, to make the crooked ways smooth, will, in effect, remove the intervening mountains, and by facilitating the intercourse of the western brethren with those of the Atlantic, substantially unite them in interests, which the Committee believe, is the most effectual cement of union applicable to the human race.”<sup>1</sup>

#### THE MARYLAND ROUTE SELECTED.

In accordance with these recommendations, a law was finally passed by Congress in March, 1806,<sup>2</sup> authorizing the President to appoint “three discreet and disinterested persons to lay out a road from Cumberland or a point on the northern bank of the river Potomac, in the State of Maryland, between Cumberland and the place where the main road leading from Gwynn’s to Winchester, in Virginia, crosses the river, to the State of Ohio.” They were to examine the route, and make a report to the President. Also, by this act, the first appro-

<sup>1</sup> Senate Reports. 9th Cong., 1st Sess., Rep. No. 195.

<sup>2</sup> An Act to Regulate the Laying out and Making a Road from Cumberland, in the State of Maryland, to the State of Ohio. Approved Mar. 29, 1806.



priation of \$30,000 was made to defray the expense of laying out and making the road. The President was authorized, if he accepted the report of the Commissioners, to pursue such measures as he thought proper and to obtain the consent of the necessary states for the construction of the road through their territory.

The Commissioners appointed by President Jefferson—Eli Williams, Thomas Moore, and Joseph Kerr—presented one report December 30, 1806, and a second January 15, 1808. The latter was transmitted to Congress by President Jefferson with his approval on February 19, 1808.<sup>1</sup>

#### CONSENT OF THE STATES AND FEDERAL APPROPRIATIONS.

In the meanwhile Maryland,<sup>2</sup> Pennsylvania, and Virginia had by statute granted permission to the Federal Government to construct the road through their territory. In 1810 accordingly, there was begun a series of appropriations for the Cumberland Road which finally aggregated about \$7,000,000.<sup>3</sup> The contract for the first ten miles was given in 1811 and the road was thrown open to the public in 1818.<sup>4</sup> From that time "until the coming of the railroad west of the Alleghany Mountains, in 1852, the National Road was the one great highway over which passed the bulk of trade and travel and the mails between the East and West."<sup>5</sup>

The details of the construction of the National Road and its very interesting historical associations must be omitted here, with the exception of a brief *résumé* of the important events of its subsequent history.

In 1817, John C. Calhoun introduced into the House of Representatives a bill to set aside for roads and canals the bonds and dividends received by the United States from its newly-chartered National

<sup>1</sup> Exec. Commun., 10th Cong., 1st Sess.

<sup>2</sup> See Message of President Jefferson, Feb. 19th, 1808. Maryland expressed her consent by 1806, chap. lxx, "An Act vesting certain powers in the President of the United States."

<sup>3</sup> The appropriations are to be found in Searight. The Old Pike, pp. 100-6.

<sup>4</sup> Searight. The Old Pike, p. 16. See below.

<sup>5</sup> Searight. The Old Pike, 16. A work containing many interesting descriptions and anecdotes brought together in a colloquial manner.

Bank. Henry Clay supported the bill; but as amended and passed, it was vetoed by President Madison upon the ground that it was beyond the constitutional powers of Congress.<sup>1</sup> Five years later President Monroe vetoed another bill which, besides making a regular appropriation for the preservation and repair of the road, provided for the erection of turnpikes and the collection of tolls and for the protection of the road from malicious injuries.<sup>2</sup>

#### NATIONAL ROAD UNDER STATE CONTROL.

Regular appropriations, however, were permitted to go on and the road was continued farther west from time to time. The eastern part fell into bad repair; and in 1831 the Legislature of Pennsylvania passed an act, appointing commissioners to build toll-houses and erect gates on so much of the road as lay within the State of Pennsylvania. The act was to be effective only upon the condition that Congress should have the road put in good repair and make an appropriation for the erection of toll-houses by the Pennsylvania Commissioners.<sup>3</sup>

A similar act had been passed by the Legislature of Ohio a short time before. In 1832<sup>4</sup> Maryland proposed her acceptance of the road upon the same terms as Pennsylvania; and Virginia did likewise. Congress assented to this proposition the same year,<sup>5</sup> and commissioners were appointed by the states. The road, as repaired by the Federal Government, was finally accepted by the states at slightly different times. Maryland signified her acceptance in 1834,<sup>6</sup> and the next year made provision for its preservation under state control by the establishment of rates of toll and the appointment of officials.<sup>7</sup> The road then remained the subject of frequent legislation until 1878, when it was put under the control of Allegany and Garrett counties.<sup>8</sup>

Other roads were constructed by the Federal Government at various times and in different parts of the Union; but the road from Cumberland has borne the lasting title of "The National Road." Attempts

<sup>1</sup> Richardson [Ed]. Messages and Papers of the Presidents, vol. i, p. 584. (Mar. 3, 1817.)

<sup>2</sup> Ibid., vol. ii, p. 142. (May 4, 1822.)

<sup>3</sup> Laws of Pennsylvania, 1831, approved April 4.

<sup>5</sup> 22nd Cong., Sess. 1, chap. cliii, approved July 3, 1832.

<sup>7</sup> Chap. ccev.

<sup>4</sup> Chap. lv.

<sup>6</sup> Chap. cciii.

<sup>8</sup> Chap. clviii.

were made to provide for the construction of other national roads passing through the state of Maryland, but they were entirely unsuccessful.<sup>1</sup> The National Road, however, was a success, and for many years was, indeed, the "channel of conveyance of the extensive and valuable trade of a rising empire."

The National Road was described in 1879 as follows:

"It was excellently macadamized; the rivers and creeks were spanned by stone bridges; the distances were indexed by iron mile-posts, and the toll-houses supplied with strong iron gates. Its projector<sup>2</sup> and chief supporter was Henry Clay, whose services in its behalf are commemorated by a monument near Wheeling. There were sometimes twenty gaily-painted four-horse coaches each way daily. The cattle and sheep were never out of sight. The canvas-covered wagons were drawn by six or twelve horses. Within a mile of the road the country was a wilderness, but on the highway the traffic was as dense as in the main street of a large town. Ten miles an hour is said to have been the usual speed for coaches; but between Hagerstown and Frederick they were claimed to have made twenty-six miles in two hours. These coaches finally ceased running in 1853. There were also through freight-wagons from Baltimore to Wheeling, which carried ten tons. They were drawn by twelve horses, and their rear wheels were ten feet high.<sup>3</sup>

Though its glories have long since departed, and coach and wagon no more throng its way, the National Road, rich in its associations of historic interest, still constitutes one of the most enduring monuments of Maryland's past, while the idea to which it owes its existence—the welding of the West and the East in commercial and national unity—has found other and more lasting expression.

<sup>1</sup> *E. g.*, 1. A turnpike road along the Atlantic coast, from Maine to Georgia.  
2. A national road from Washington to Buffalo.

<sup>2</sup> An error.

<sup>3</sup> Quoted in an article by Richard Stone, "Historical Sketch of National Road Building," in *Journal of the Massachusetts Highway Association*, vol. i, No. 3.

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Journal of the Massachusetts Highway Association.





## VITA

St. George Leakin Sioussat was born in Baltimore, Md., on March 13, 1878. He matriculated at the Johns Hopkins University in June, 1893. After pursuing the studies in the Classical Group, he received the degree of Bachelor of Arts in June, 1896. In October of the same year he entered upon a three years' course of Graduate Study in the Johns Hopkins University, taking History as his principal subject, Political Science and Economics as his first and second subordinates, respectively.

As an Undergraduate, he held a Hopkins Scholarship for the year 1893-4, and an Honorary Hopkins Scholarship for the year 1895-6. As a Graduate Student, he held University Scholarships for the years 1896-7, 1897-8, 1898-9.

















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